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## The Solicitors' Journal.

LONDON, SEPTEMBER 20, 1873.

A WRITER ON THE CERTIFICATE TAX many years ago remarked that in Cyprus up to the last century the principle of taxation adopted was that the governor might impose the burden upon the bearers of a particular name, simply because they happened to bear that name, and suggested that no better reason could be assigned for the continuance of the impost upon solicitors and attorneys. The analogy is a good one on the general question, but it appears to be specially applicable to the case to which a correspondent draws attention. If the existing rate of certificate duty is to be maintained after the changes made by the Judicature Act, the London attorneys may possibly be placed in much the same position as the unlucky people of Cyprus. The operation of the clauses relating to District Registries will in all probability remove the chief ground on which the increased certificate duty payable by London attorneys and solicitors has been defended. Why should the London attorney pay half as much again as his country brother, while the sources of his profits are to be reduced to something like the same level? An effort should be made to have this anomaly removed, and we cannot anticipate that any serious opposition will be raised to so obvious a measure of justice.

Can nothing be done, however, to procure the abolition or reduction of the general duty on certificates? Our correspondent despairs of procuring its total abolition, but the history of previous attempts is by no means such as need discourage a renewed movement for this purpose. A bill for the abolition of the tax was read a second time in 1850, and a motion for leave to bring in a similar bill was carried in 1851, and again in 1853 by a majority of 219 to 167. In 1865 a motion was carried in favour of the abolition of the duty, and in 1867 Mr. Denman's Bill to reduce the duty passed through committee, but was thrown out on the third reading. Is there no member willing to take up the question and present to the House of Commons the reasons which may be urged for the abolition of the duty?

OUR READERS MAY REMEMBER that one of the liveliest of the many lively passages of arms between Court and counsel at the trial of *Tichborne v. Lushington* was caused by a demand on the part of Mr. Giffard, whilst cross-examining Lady Doughty, for the production of the original proof of her evidence taken by the defendant's attorney. The Lord Chief Justice seemed to have some hesitation in deciding whether the proof would have been privileged if the defendant's attorney had been served with a subpoena duces tecum to produce it, and contented himself—the Attorney-General having, of course, declined to produce it—with saying that he had no authority to compel its production, and that the trial must proceed as in all other cases where documents were called for and the parties did not produce them. At the same time the impression of the learned judge certainly was that under no circumstances could state-

ments made to an attorney on behalf of his client by a person intending to give evidence be proved out of the attorney's mouth to his client's prejudice. It would appear, however, from what passed on Tuesday last in the Court of Queen's Bench, that this impression was erroneous, for the Court held that the clerk of the defendant's attorney whilst under cross-examination by Mr. Hawkins was bound to produce a proof taken by him of the evidence of one of the defendant's witnesses. The reasons for the decision are not clearly given in the report which we have seen, but the Court seem to have considered that in the interests of justice the document should be produced.

Acting upon this ruling, Dr. Kenealy on Thursday called for the draft proof of Lady Doughty's evidence; the very document which at the former trial the Attorney-General declined to produce, and from what fell from the judges it is clear that they differ from Chief Justice Bovill as to its admissibility. They held that Dr. Kenealy could not call for it, except for the purpose of putting it in evidence, and that it would not be evidence, because Lady Doughty had not been challenged about it when she was under examination in the present case. But if she had been so challenged, then, the Court added, the proof might have been made evidence.

There can be no doubt that this expression of opinion, coming as it does, not from a judge at Nisi Prius, but from the Court of Queen's Bench itself, is of great importance, and if it be correct may materially influence the mode of preparing a case for trial. With great deference, we venture to think still, as we thought when the point was first raised (see 16 S. J. p. 319), that a witness's proof ought to be absolutely privileged. It is difficult to see how otherwise the necessary freedom in making statements can be secured to the witness, or how attorneys will be able to obtain the full information essential to their doing justice to their clients. We are glad, therefore, that there has been no absolute decision of the question, and that the point remains open for argument hereafter.

As to the particular proof of Lady Doughty, the defendant has been unfortunate. At the first trial Lady Doughty was cross-examined as to its contents, but the judge's opinion was so clearly adverse to its production that it was not thought worth while to subpoena the then defendant's attorney to produce it. At this trial the judges were perfectly ready to admit it, but when Lady Doughty's deposition was taken, her attention was not called to it. The foundation for its admissibility, therefore, was wanting upon the present occasion, for the proof could only be admissible to contradict or discredit the oral testimony of the witness.

THE REMONSTRANCE OF THE LORD CHIEF JUSTICE, addressed to a portion of the Press, was perhaps milder than the circumstances required, and was certainly not uttered too soon. The course latterly taken by the ingenious gentlemen who dish up the evidence in the Tichborne case for the readers of certain daily papers threatened to add a new terror to the witness-box. The unfortunate witness escaped from the hands of the cross-examiner only to find himself next morning pilloried for the amusement of the public. His personal peculiarities were dwelt upon; his little embarrassments facetiously described, and according as his appearance pleased or displeased the writer, he was labelled as a bluff, straightforward, honest fellow, or as a glib-tongued, smooth, and not too scrupulous person. These sketches were read by thousands of people who never looked at the report of the evidence, and if the practice had been allowed to pass unchecked, there was a prospect that to the modes of trial known to the law there might be added the novel one of trial by descriptive writing. We are happy to observe that the temperate warning of the Chief Justice has already produced a marked improvement, and it may be hoped that the evil he referred to will never again attain to the proportions it has recently assumed.

Oddly enough, almost contemporaneously with the cessation of remarks on the demeanour of witnesses in the newspapers, a proposal has been made that a system should be established for providing a perpetual supply of such remarks. On Wednesday last, in the course of a discussion as to the admissibility of the notes taken at the former trial of the evidence of witnesses since deceased, Mr. Hawkins suggested that it would be a great improvement if gentlemen entrusted with the taking of evidence under commission could certify to the demeanour of the witnesses. He observed that it was important to know whether a witness in answering "yes" or "no" hesitated for five minutes or so, and pointed out that shorthand notes were defective in not supplying information on that subject. The suggestion was not received with favour by the Court, and its adoption might be attended with some inconvenience, inasmuch as the gentlemen entrusted with the taking of evidence under commission would undoubtedly have to pass an examination as to their powers of observation, and might possibly be compelled in exceptional cases to resort to the aid of the photographer. But it would, undoubtedly, relieve the tedium of wading through the notes of evidence thus taken if at intervals there occurred the remark, "I certify that the demeanour of the witness at this point represented a combination of terror and perplexity incapable of being adequately described by words, but faithfully delineated in the photograph hereunto annexed."

THE "DAILY TELEGRAPH" is always delightful when commenting upon legal wrong or oppression. Whatever may be wanting of mere technical accuracy is usually more than compensated for by fervid indignation and tender sentiment. It strikes us, however, that the remarks in which our contemporary indulged on Thursday last with reference to the case of Mrs. Dryx indicate a slight misapprehension of the lesson to be learnt from that case. After referring to "a very juicy tit-bit of legal cruelty which the other day consigned a poor working man by the fiat of a county court judge to Horse-monger-lane Gaol for the non-payment of a few shillings," our contemporary proceeds as follows:—"As succulent was the entertainment of injustice lately prepared for a poor woman named Dryx, lodging in a house at Chelsea, who, being behindhand with her rent to the extent of £2 9s., was visited by her landlord with a dis-traint. So far so good. Recalcitrant tenants must be levied upon, but the broker who distrained on Dryx's goods turned her out of her own bed, and slept in it himself—a proceeding that seems scarcely legal, and that was certainly not polite. Dryx's goods, which were worth six times the amount claimed, were condemned, and her clothes were kept." A harrowing picture follows of what might have been Mrs. Dryx's condition, "shelterless" (a distress necessarily involving the immediate ejection of the tenant), "penniless, and without a change of raiment." But, in point of fact, the worthy lady obtained a summons for an excessive distress, and got an order for the restoration of the goods, or £14 value, with £2 costs against the landlord. This is the "succulent entertainment of injustice" alluded to by our contemporary, and served up by him with the other "juicy tit-bit of legal cruelty." To most people the lesson of the case would be the speedy and summary nature of the remedy afforded by the provisions of 2 & 3 Vict. c. 71, s. 39, to poor tenants within the Metropolitan Police District—a remedy which it has always appeared to us might with great advantage be extended to the whole kingdom.

IT HAS LONG BEEN SETTLED that where copyholds are devised for life or years with remainders over the admittance of the tenant for life or years operates as the admittance of those in remainder (*Brown's case*, 4 Co. R. 22 b.). In the case of *Everingham v. Ivatt* (20 W. R. 947, 21 W. R. 952), it was contended that this doctrine was an authority for the converse proposition that the admittance of the remainderman is the ad-

mittance of the tenant for life or years. There is very little authority on the subject, for the *dictum* of Popham, J., in *Gypsyn v. Bunney* (Cro. Eliz. 504), that "tenant for life, and he in remainder have but one estate in law, and therefore the admittance of the one shall serve the others as a livery or attornment," on which reliance was placed in the recent case when before the Queen's Bench, ought clearly to be taken with reference to the case in which it was uttered, where the tenant for life and not the remainderman had been admitted. In the recent case a copyholder had devised his land to trustees for a term of 500 years on certain trusts, and subject thereto, and to the payment of debts and legacies, to another person in fee. Upon the death of the deviser the lord by his steward admitted the remainderman, and then, as the trustees of the term refused to come in and be admitted, seized the land *quousque* and brought ejectment. Both in the Queen's Bench and the Exchequer Chamber the decision turned very much upon the particular terms of the admittance of the remainderman, which, being such as clearly to indicate an admittance to an estate in present possession, it was held that the lord could not be permitted to assert that his own act was void, or to treat the estate created by himself as a nullity. Whether the admittance by the lord of a remainderman as *such* would operate as an admittance of the tenant for life or years for the purpose of vesting the estate in him was not expressly decided; but the Court of Queen's Bench intimated an opinion that even if it did, it could only be in the same sense as the admittance of the tenant for life or years is said to be the admittance of the remainderman; that is, without prejudice to the lord's right to his fine if it would otherwise be due, and to an actual admittance in order that he may have it. In the recent case, however, a full fine having been paid on the admittance of the remainderman, there was, as Lord Hale said in *Blackburne v. Graves* (1 Mod. 120), "an end of the business."

#### THE CHANCERY SUITORS' FUND.

When we wrote a short time ago (*ante*, p. 743) in a warning tone upon this subject, we scarcely expected to have to recur to the topic so soon. A paragraph in the *Globe* of the 12th instant stated "that the Government have recently taken large sums of money from the Bank balance of the Chancery Pay Office, and continued to do so in spite of protestations that the balance was reduced to about £100,000. It culminated a few days since, when a letter was received from the Bank of England stating the account had been overdrawn by £600, and requesting to have this at once rectified." What, we may ask, does this mean? Simply that at the date referred to the Bank of England had £600 less than nothing in its coffers belonging to the suitors of the Court of Chancery, and that it would have been strictly in the right in refusing to honour any cheque of the Paymaster-General drawn upon Chancery account. In treating of this subject we need scarcely say that we have no political purpose whatever to serve, and that our only object is to point out the causes and consequences of what we suppose may be considered as an admitted state of circumstances. And in doing so we may first point out to suitors that the mere fact of their balance at the Bank of England being overdrawn is, of course, no indication that their funds are in any danger of being lost. The very worst that could happen would be a slight delay in payment, and certainly we may hope that the colour put upon the actual facts will go far towards preventing the occurrence of a similar *lupus* in the future.

In pursuance of the Court of Chancery (Funds) Act, 1872, the office of Accountant-General of the Court of Chancery is abolished, and the whole of the funds of the suitors are held by the Treasury in trust for the suitors, and are dealt with by the Chancery Pay Office acting under the orders and directions of the Court. The

amount of the current balances in the days of the Accountant-General exceeded the sum of two millions sterling, and the last-named official had neither the right nor the power to deal with the amount of these balances otherwise than under specific instructions given him by the Court. Now, however, matters are changed. The object is that the working balance should be reduced to a minimum, and that no money should be left in the Bank that can possibly be spared. The practice is, then, that whenever the Treasury find that the week's balance at the Bank of England of the Court of Chancery exceeds a given sum, the surplus is handed over to the National Debt Commissioners, upon the understanding, express or implied, that it is to be forthcoming when called for. Once in the hands of these Commissioners, it is, we have reason to suppose, invested without regard to the possible calls upon it, and *hinc illa lacrymæ*. A sudden call for several large sums exhausted the balance, already reduced to £100,000, and the delay in making the balance good at the Bank must have been caused by the time taken to realise securities.

So far as can be ascertained, no blame whatever is due to the Chancery Pay Office on account of what we feel bound to call this stupid blunder. The Treasury had the means of knowing, and without doubt knew full well, that the balance at the Bank was being reduced from week to week, and if they did not know it—if by any chance their accustomed vigilance in the matter of accounts was for the moment directed into another channel, the protest sent from the Chancery Pay Office must have given them due warning.

It is not, however, that we attribute blame to any official so much as to the system inaugurated by the Court of Chancery (Funds) Act, 1872. Under the former state of circumstances, the balance of cash at the Bank corresponded exactly with the balance of cash shown on the books of the Accountant-General and at the Bank, and therefore, except in cases of fraud or in very exceptional cases of error, no single account in any suit could be overdrawn, and certainly the whole of the cash balance could never have been exhausted so long as any money appeared on the books as due to suitors. From the recent disclosure we learn that it is quite possible, not only for the cash balance to be exhausted, but for the account to be overdrawn. We learn, moreover, the old lesson that all that is lawful is not always convenient. The object for which the surplus of the Chancery suitors' balance is handed over to the Commissioners for the Reduction of the National Debt is indisputably that it may be invested for the benefit of the Exchequer, but the Legislature could never have contemplated that this should be done in such a manner as to lock up the funds and cause the inconvenience which we now see might at any time arise.

Some of the daily papers have no doubt made much more of this little incident than is warranted by the circumstances, but, notwithstanding this, it must be acknowledged that the mere possibility that such an event can take place is calculated to cause mistrust and to raise questions which, through want of knowledge in the questioners, may be difficult to answer.

## LEGISLATION OF THE YEAR.

### BASTARDY.

#### CAP. IX.—An Act to amend the Bastardy Laws.

The chief object of this Act (which is by section 9 incorporated with the Act of 1872) is to set right the unfortunate blunder in the Act of last year, by which the operative sections of the old Act were repealed at once, and yet the new Act was made to apply only in the case of children born after the passing of such new Act. This is effected by the 3rd section, which, in the case of children born on or before August 10, 1872, gives six months from the passing of the Act for applications in cases where the woman would, under the old law, have been entitled to apply within twelve months after the

birth of the child, and allows applications to be made as if the Act of 1872 had not been passed in cases where the application is founded on payments made by the putative father within twelve months of the birth. Proceedings under this section are to be regulated by the old law.

Occasion is also taken to amend the Act of 1872 in some other particulars. The 6th section of that Act as to proof by affidavit of the service of summons where the putative father resides out of the petty sessional division charged with jurisdiction, is repealed by section 2 of the present Act, and is re-enacted by section 4, with the additional proviso that an affidavit purporting to be duly made and attested is to be received in evidence, and deemed to be so made and attested until the contrary is shown.

The 8th section of the Act of 1872, as to applications by guardians of the poor, is also repealed, and is re-enacted by section 5 of the present Act, with the addition, that on the application the justices are to hear the evidence of the mother, and such other evidence as she or the guardians may produce, and any evidence tendered by the alleged father; also, it is to be sufficient to prove that the summons was duly served on the alleged father, or left at his last place of abode; but this must have been done six days at least before the hearing; the payments are to be recovered as in the case of applications by the mother (see section 4 of the Act of 1872).

The Act further (section 6) gives to the Local Government Board the power of issuing new forms of proceedings (See *ante* pp. 826, 841); gives power (section 7) to one justice to adjourn the proceedings, if, on the day appointed for the hearing, two justices are not present (whether this would give power to make a second adjournment, if the same cause rendered it necessary, is not clear); and (section 8) makes valid all orders made previously to the Act as to children born before August 10, 1872, which would have been valid if the Act of 1872 had not passed, and which have not been already appealed against—that is, orders which may, since the passing of the Act of 1872, have been made on the footing of 7 & 8 Vict. c. 101.

### CUSTODY OF INFANTS.

#### CAP. XII.—An Act to amend the Law as to the custody of Infants.

The evils which led to the passing of the Act of 2 & 3 Vict. c. 54, were well described by Lord Cottenham in *Wade v. Wade* (2 Phil. 787):—"As the law stood before that Act, however much a woman might have been injured, she was precluded from seeking justice from her husband by the terror of that power which the law gave to him of taking her children from her: that was felt to be so great a hardship and injustice that Parliament thought the mother ought to have the protection of the law with respect to her children up to a certain age." Accordingly, as is well known, power was given by the Act above mentioned to the Lord Chancellor and the Master of the Rolls to make orders on petition for the access of mothers to their infant children, and in cases where such children were under the age of seven years to order their delivery to the custody of their mothers until attaining such age. The present Act repeals these provisions and in effect extends them to the case of infants under sixteen years of age, giving a discretion to the Court to fix the age up to which such infants are to remain with the mother.

The second section relates to the rule that clauses in a deed of separation giving the custody of children above seven years of age to the mother are contrary to the policy of the law, and will not be carried into effect (see *Vansittart v. Vansittart*, 6 W. R. 386, 2 De G. & J. 249; *Walrond v. Walrond*, 7 W. R. 33, 1 John, 18). It is enacted that "no agreement contained in any separation deed made between the father and mother of an infant or infants shall be held to be invalid by reason only of its providing that the father of such infant or infants



shall give up the custody or control thereof to the mother." The wording is singular, and seems to confine the operation of the clause to provisions relating to the custody of children contained in separation deeds actually executed. Apparently this section of the Act does not apply to the ease of enforcing performance of an agreement for a future deed of separation to contain provisions giving the custody of children to their mother. (See as to the difference under the former law between these two cases, *Vansittart v. Vansittart, ubi sup.*)

An option is given to the Court of not enforcing agreements relating to the custody of children where the Court thinks it will not be for their benefit to give effect to such agreements. It may be presumed that this power is intended to supply the place of the provision in the former Act, not re-enacted in the present statute, disentitling any mother against whom adultery shall be established to the benefit of the Act.

#### MANAGEMENT OF ALLOTMENTS FOR THE POOR.

CAP. XIX.—*An Act for making better provision for the Management in certain cases of Lands allotted under Local Acts of Inclosure for the Benefit of the Poor.*

Under many local Acts of Inclosure allotments were formerly made for the benefit of the poor, chiefly (see preamble to 2 Will. 4, c. 42) with a view to providing them with fuel. These plots, becoming in course of time comparatively useless for this purpose, provision was made by 2 Will. 4, c. 42, for the letting by the trustees and parish officers in parish vestry assembled, under an order of the vestry, of portions of them for cultivation to industrious cottagers. By the present Act provision is made for the appointment of a less cumbersome authority for the letting and management of the allotments.

Where the number of the allotment trustees exceeds twenty they are empowered to appoint a committee of not more than twelve or less than six members of their own body, and in like manner where the number of persons entitled to attend the vestry exceeds twenty a similar power is conferred on the vestry. The committee thus chosen is to exercise all the powers of the allotment trustees or of the vestry by which they are appointed, and is to be chosen annually; the meetings for making the first appointments are to be summoned within twelve months after the passing of the Act, and subsequent meetings for the same purpose are to be held in August of each successive year. If no appointment of a committee is made within the time limited by the authority required by the Act to appoint, the Inclosure Commissioners are empowered, on the application of any person interested, to appoint the committee.

The Act contains provisions with reference to the meetings of the committee, and also effects some alterations in the clauses of 2 Will. 4, c. 42, relative to the management of the allotments. The provision contained in that Act that the amount of land to be let to each cottager is to be not less than one-fourth of a statute acre, is repealed.

#### SUPERANNUATION ALLOWANCES.

CAP. XXIII.—*An Act to amend the Law relating to the Grant of Superannuation Allowances and Gratuities to certain persons who entered the permanent Civil Service of the State between the passing of the Superannuation Act, 1859, and the fourth day of June, 1870.*

We pointed out in the early part of this year (*ante p. 263*) the grievous hardship involved in the attempted application of the provision of the Superannuation Act, 1859 (22 Vict. c. 26), "that no person hereafter to be appointed shall be deemed to have served in the permanent Civil Service of the State, unless such person holds his appointment directly from the Crown, or has been admitted into the Civil Service with a certificate from the Civil Service Commissioners," to the officers of the Court of Chancery appointed since the passing of the

Superannuation Act, 1866, which put the retiring pensions of the officers of the Court of Chancery under the control of the Treasury. The latter Act provided (section 3) that "in ascertaining and awarding the amount of such superannuation allowance . . . as regards all officers hereafter to be appointed," the Treasury "shall proceed according to the principles laid down in" 4 & 5 Will. 4, c. 24, as amended by 22 Vict. c. 26; but this provision was not pointed out to the persons who were subsequently appointed to offices in the Court of Chancery; and until the issue of the circular announcing that the Treasury had expressed an opinion that the Act of 1866 rendered it incumbent on every person who had entered the public service in the Court of Chancery since the date of that Act to obtain a certificate from the Civil Service Commissioners, we do not believe that anyone imagined that this meaning could be attributed to the ambiguous words of that statute. More than this, it is tolerably plain that until the issue of this circular the Commissioners of the Treasury themselves either did not thus construe the words, or had overlooked them. The consequence was, that men were appointed without any steps being taken before their appointment to procure for them certificates from the Civil Service Commissioners, and the men so appointed were led to expect superannuation allowances and gratuities.

The present Act admits the injustice of depriving these persons of the allowances and gratuities, and, with reference to these and other similar cases, empowers the Treasury at any time before 1st January, 1874, with the concurrence of the Civil Service Commissioners, and on application being made to them for that purpose by the head of any public department of the State, to declare by order or warrant that any person appointed to a permanent situation in such department without a certificate from the Civil Service Commissioners, after the passing of the Superannuation Act, 1859, and before the 4th June, 1870, was so appointed through inadvertence on the part of the head of such department, and without any default on the part of the person so appointed, and thereupon such person is to be in the same position as regards his claim to a superannuation allowance or gratuity as he would have been in if he had been admitted into the Civil Service with a certificate from the Civil Service Commissioners.

#### RECENT DECISIONS.

##### PRIVY COUNCIL.

##### BILL OF LADING—ASSIGNS.

*Henderson v. Comptoir d'Escompte de Paris, P.C., 21 W. R. 873.*

Goods were sent out under a bill of lading from the plaintiff's firm in England to a firm in Hong Kong; but the arrangement between the consignors and consignees was, that the proceeds of the goods should be held to meet the drafts of the consignors on the consignees. This arrangement was violated by the consignees pledging the bill of lading with the defendants, who, in pursuance of that pledge, received the goods upon their arrival, and afterwards realised them through the consignees acting as their agents. The bill of lading was, contrary to the usual form, made out without the words "or order or assigns." This was not done designedly, and the omission of the words was not noticed by the parties at Hong Kong; but the consignors contended that it gave constructive notice to the assignees of the bill of lading of the arrangement above mentioned, and claimed that the latter should be held to have received the proceeds in trust for them. This monstrous extension of the pernicious doctrine of constructive notice was not admitted by the Court.

But the question was also raised in the case, whether a

bill of lading in this form was a negotiable instrument. Now, assuming, as evidently was assumed, that the property in the goods had vested in the consignees, the transactions between them and the defendants were not such that the property would have passed to the latter without either an indorsement of a negotiable bill of lading or delivery of the goods. But in fact the goods were delivered; the property therefore passed irrespectively of the bill of lading (*Nathan v. Giles*, 5 Taunt. 558). It was therefore unnecessary for the Court to determine whether the omission of the words "or order or assigns" deprives a bill of lading of its character as a negotiable instrument, and the case cannot be treated as a direct authority on the point; but the inclination of opinion in the Court was to that effect, and "for the purposes of the case" they so treated it. The Court say that "The general view of the mercantile world has been for some time that, in order to make bills of lading negotiable, some such words as 'or order or assigns' ought to be in them." What is the "some time" to which the Court referred, we do not know; but it is clear from the form in which the mercantile usage was proved in *Haille v. Smith* (1 B. & P. 564), that it may be carried back as far as 1796. It seems reasonable that this should be so; and the argument against the negotiability of such an instrument without those words is perhaps stronger since the Bills of Lading Act than it was before; because the indorsement of a bill of lading in the ordinary form now transfers the contract, whereas it formerly transferred only the property; but it is clear that the indorsement of a bill in this form could not transfer the contract (see *Rex v. Box*, 6 Taunt. 325), and it would be inconvenient to treat a document as negotiable for one purpose but not for another which is usually negotiable for both. At any rate, it would certainly be now unsafe, to say the least, to treat a bill of lading in this form as negotiable for any purpose.

### NOTES.

"A Country Solicitor," writing to the *Standard*, and speaking from a considerable practical experience of the mode of administering county court justice in Gloucestershire, says it is the exception for the judge to order the committal of any of the operative classes; and no committal ever goes except in clear cases of the party having the means and fraudulently refusing to pay just demands. The very last committal at Cheltenham was for a debt over £20, for money which had been borrowed, when it was proved that the defendant had plenty of £5 notes to go to races with, but found it inconvenient to pay his creditors. In another case, a few weeks ago, a "gentleman" living in high style, but occupying furnished lodgings, and so putting seizure of goods out of the question, declined to pay for the bouquets presented by him, to his wife's bridesmaids. But he handed out the money immediately on being served with a commitment summons. "These are the sort of cases," he continues, "in which the power of committal is used, and used most justly; and let me be allowed to say that such cases would enormously increase if the wholesome terror of a possible committal were removed entirely." It would be well if other persons equally familiar with the practical working of the existing law would come forward to refute the notions so industriously propagated just now.

There seems to be a painful want of zeal among some of the supporters of the Tribunal of Commerce movement. It is stated that at a meeting on Thursday of the Committee of the London Association for promoting the establishment of Tribunals of Commerce and Courts of Reconciliation and Arbitration, there was a very small attendance. The chairman of the association apologised for the absence of Sir John Lubbock, M.P., and other influential members, and subsequently announced his intention to retire from the movement "from that moment." He suggested, however, that the committee should consist of merchants and traders, and that no barrister or attorney

should figure on the list. He also stated that a meeting of the Associated Chambers of Commerce was to be held at Cardiff on Tuesday and Wednesday next, on which occasion it was proposed to bring forward the question in which that committee was more especially interested. The committee had, therefore, been summoned by him with a view of considering the necessity of their being represented at Cardiff. No decision, however, was come to on this point, and the proceedings altogether appear to have been of a depressing character.

We learn with much interest that another lady has made a most successful debut in the character of attorney. The *Yibany Law Journal* cites from a letter from Chicago, in the *Toronto Globe*, the following remarks: "One day last week a curious scene was enacted in one of the numerous courts of this city. A lady appeared as counsel for another woman. The young attorney was Miss Alta M. Hulett, having offices in the most crowded part of the south side, devoted to business and professional avocations. The case was a very simple one, and offered no fair criterion of the powers of Miss Hulett; but it afforded an opportunity for the display on her part of considerable abilities as a talker. Miss Hulett was born in Rockford, and, after graduating at the female seminary at that place, entered a law office, where she studied diligently for two years. Then she came to this city, and for a year read in the office of Messrs. Sleeper & Whitsan, two respectable, but not very showy members of the local bar. A week since she was admitted to the bar, after a severe examination before the Supreme Court. Miss Hulett is only nineteen years of age, and is of slight build; a brunette of the most pronounced type. She is a pleasant conversationalist, and while engaged in professional duties has not neglected to acquire those accomplishments which constitute the charm of true womanhood. The unqualified success which has attended her first suit has drawn much attention to her, and, so far as her chances of progress in her profession are concerned, has been an excellent advertisement. The only legal journal issued in this city is published by a lady, Mrs. Myra Bradwell, who, however, has the advantage of having Judge Bradwell for a husband, and of forty years experience as against the nineteen years of Miss Hulett." That last remark appears to us to be both ungallant and uncalled for.

An analysis published by the *Morning Post* of the return presented by the Local Government Board on the subject of union boundaries shows rather forcibly the magnitude of the task implied in the mutual adjustment of the limits of the poor-law and county administrative areas. In the return, says our contemporary, the unions of England and Wales are classified under three heads:—(1) Unions wholly contained within a county; (2) "Divided unions" or unions that are principally within a county, but portions of which extend into one or more other counties; (3) "Foreign unions," or unions which have a minor portion in one county, but which are included for registration and poor-law purposes in other counties. Lists (2) and (3) contain, of course, the same union looked at from different sides, every union which is a "divided union" in respect of one county being necessarily a "foreign union" in respect of one or more other counties. From these lists, then, it appears that out of the 590 unions into which England and Wales are divided, 409 only are wholly contained within the limits of a single county while as many as 181 extend beyond county limits. Of these, 146 are unions situated in two counties, 32 are unions situated in three counties, while three unions are situated in no fewer than four counties. Two counties—Northumberland and Cumberland—are fortunate enough to consist entirely of undivided unions; while Rutlandshire and Radnorshire are in the contrary case, and contain no single complete union within their boundaries. Durham and Westmoreland contain "divided" but no "foreign" unions, while Essex and Anglesey contain "foreign" but no "divided" unions. The amount of readjustment which will be required when 181 out of 590 unions are intersected by the borders of counties will be seen to be considerable; nor will its importance appear less if we estimate the intersected unions by area and population, so far as these may be safely deduced from the number of parishes which

they severally contain. Out of the 15,455 parishes into which England and Wales are divided, the unions intersected by the borders of counties number as many as 3,966 parishes, or more than one-fourth of the whole. As every one of these parishes will be affected in one way or another by the alteration of the boundaries of its union or by its own transfer to another union, this will enable us to form some idea of the extent of disturbance which will be inevitably produced by a rectification. On the other hand, no fewer than 13 out of 15 unions in Oxfordshire are intersected by county boundaries, and any alteration of these must necessarily affect 142,217 persons out of a population of 177,973. No other county is so peculiarly situated in this respect, but several of the purely pastoral and agricultural counties approximate to it, and it is in these that the greatest difficulty will be experienced in carrying out the desired reform.

### REVIEWS.

*A Primer of the English Constitution and Government.* By SHELDON AMOS, M.A., Professor of Jurisprudence, including Constitutional Law and Legal History, to the Inns of Court, and Examiner in Constitutional History to the University of London. Longmans, Green, & Co. 1873.

It seems that this little work owes its origin to a laudable desire for information on the part of "the commissioners of an illustrious foreign Government." "From day to day, as each part of it was composed, that part was submitted to" these eminent persons, and we learn from the preface that it was "at every stage" treated with "respectful courtesy." This is, certainly, a high testimony to the good nature of the commissioners, for Mr. Amos assumes a depth of ignorance on their part which is the reverse of flattering. Take, for instance, the following passage (p. 2):—"The monarch may be either a man or a woman. The present Queen began to reign in 1837. Her eldest son is called the Prince of Wales, and will be king at her death." Is it really possible that the "illustrious foreign Government" needed to be informed of these recondite facts?

It may be due to the system adopted of sending off the work in portions as it was composed, day by day, that so many repetitions occur. Thus the duties of the "Lord Chancellor" are described at p. 32, where we are informed that "his functions in the Government are now very few and insignificant." On p. 42 there occurs another account of the office of the "Lord High Chancellor," where he is stated to be the "head of the judicial department of Government"—not a very "insignificant" function, surely. We observe, also, that the duties of the Secretary of State for Foreign Affairs and the judicial functions of the House of Lords are described twice over. The arrangement of matter is occasionally rather eccentric. A section relating to the Habeas Corpus Act occurs in an account of the inferior civil courts, interposed between quarter sessions and petty sessions. In other places the information given is of a very indefinite character; for instance, the Judicial Committee is described as forming "a Court of appeal for cases decided in the colonies and India, and for a certain class of cases decided in this country"—and the grand jury is stated (p. 48) to be composed of "persons living in the county, and not very poor." On the next page there occurs a more detailed description of the qualifications of grand jurymen, but there it is implied that grand jurymen at quarter sessions are usually taken from among the justices of the peace. Parish constables are described as "a still existing institution in many parts of the country," and their duties are detailed without any reference to the Act of last year to render unnecessary the general appointment of these officials. In the list of judicial officers given at pp. 54, 55, the Chief Judge in Bankruptcy is omitted, and we do not find in the chapter on "Judicial Organisation" any reference to the Court of Bankruptcy, or any allusion under the head of County Courts to the jurisdiction in bankruptcy of the county court judges. The "Lord Chief Justice" of the Exchequer (p. 55) is a novel title for the president of that Court, and we learn with some surprise that one of the "tasks imposed" upon special sessions by Act of Parliament is that of "granting licences to shoot certain birds." What Mr.

Amos meant to say probably was that justices in special sessions are empowered to grant licences to deal in game.

We had marked some other inaccuracies, but we have said sufficient to show that the work needs careful revision before it can be recommended as a thoroughly trustworthy guide to the elements of our constitution and government.

*An English Code, its Difficulties, and the Modes of Overcoming them: A Practical Application of the Science of Jurisprudence.* By SHELDON AMOS, M.A., Prof. of Jurisprudence in University College, London, and Prof. to the Inns of Court in Jurisprudence, Civil Law, and International Law, &c., &c., &c. Strahan & Co. London. 1873.

In this work Mr. Amos, whose long study of the question of codification entitles him to respectful attention, proposes to deal with it as a practical matter calling for immediate attention. The general question he assumes to be already decided, and that codification in some form or other is resolved upon by public opinion; the task, therefore, which he proposes to himself is to determine in what way this ought to be effected. His view is that the whole of English law—common law, equity, and statute law—is to be thrown at once into the crucible, and reproduced in the form of a code. Even constitutional law is to be included, and the functions, rights, and privileges of Crown, Lords, and Commons are to be drawn out in precise rules and to form the first chapter of the code. The only part of law which is to be omitted is some of the more minute and detailed administrative statutes—a class which, to judge from the draft scheme, will be a very small one. We can see no sufficient reason for insisting on so vast a measure, and notwithstanding the show of practical reason which the author puts forward, we cannot but regard the proposal as dictated by theoretical reasons which may fairly be described as visionary. Those who have read Mr. Amos's *Systematic View* will not be surprised to find that the author writes under the influence of that overstrained and unsound view of the logical coherence of law, into which he has been misled by the supposed analogy of the exact sciences. It is impossible to assent to such a view, and it is sufficient to refer to the attempt which the author has made in his earlier work to carry out his theory into practice, to disprove it. We are reluctant to say anything which would discourage the effort to reduce law as far as possible to a coherent system, saving always its essential objects of justice and convenience, but we are certain that the attempts to treat it according to the methods of the most exact of the natural sciences can only result in error. The author is indeed far from claiming that the codifier shall bring his most rigorous logic to bear upon the task; something, indeed much, must be yielded to the existing erroneous phraseology of law, and to its unsound distinctions, for the object is not to make a new law but to codify the old; but it is impossible not to feel that the author in fact realises to but a very slight degree the immense change and the great uncertainty which would be produced by the measure he proposes. Indeed throughout the work we discern what may be called a theoretical but impractical recognition of practical difficulties; the result of which is that although "difficulties" are stated, and the "overcoming" of them is assumed to be possible, we cannot find in the work any practical direction as to the "mode of overcoming them." On the contrary the writer's theory that it is essential that the whole body of law should be codified together, and that the code should contain every rule of law creates the greatest obstacle that it would be possible to oppose to the desired codification, and to carry it out would certainly defeat completely the cherished object of making the law accessible to laymen.

But for one who desires "simplicity" in the law what strikes us as most singular in Mr. Amos's work is, that he should be content to retain in the proposed code the distinction of law and equity. For a long time past efforts have been made to remove the existing conflict, and it was plainly to be seen that the division could not be long retained; since Mr. Amos wrote, the Act which had been long looked for has been actually passed, and fusion has been if not effected at least brought very near. Yet it is actually proposed, on some theoretical grounds which we cannot follow, to continue and to stamp with legislative



sanction a divided jurisdiction and a conflicting set of laws. The fact that fusion is in progress appears to us a conclusive reason against that precipitate action which Mr. Amos urges us to take, for until that fusion is accomplished, and some experience gained of its practical workings, it would be most hazardous to attempt to fix its results by legislative action. There will certainly be an interworking of the two systems which will beneficially modify both; from time to time it is probable that further legislation will be required to meet difficulties that experience will disclose before the two systems can be blended into a harmonious whole; but to attempt to anticipate all this by legislation would be rash and mischievous.

Mr. Amos adds a draft scheme or outline of a code. Granting that the whole of the law is to be codified, we should, upon the whole, though not entirely, assent to the author's primary divisions; but the subordinate heads appear in many cases to be extremely faulty and inaccurate. It would, however, take far more space than we have at our command to criticise the scheme in detail, and to point out the reasons for our dissent.

In what may be called the middle part of his work Mr. Amos deals with some instances of codification, and their bearing upon the codification of English law. His purpose in treating of them is to warn us against being misled by their example; but on what points or in what direction we are in danger of being thus misled is not indicated. This part of his book will, however, be, perhaps, the most interesting to the general reader. Those who are not acquainted with Savigny's work, and the account given there of the French, Austrian, and Prussian Codes, may learn something of it from the extracts given by Mr. Amos; but we must add that the author seems to suppose, quite erroneously, that the only question in Savigny's time was whether the Code Napoleon should or should not be adopted in Germany; no one will think so who reads the work of Thibaut, to which Savigny's was an answer, indeed a careful perusal of Savigny alone would be sufficient to prevent this error. As to the New York Codes, which have never got beyond the condition of reports, though in some parts cleverly constructed, no one would seriously look upon them as patterns of anything. As to the Anglo-Indian legislation as a whole, we are not sufficiently acquainted with it to pass any criticism upon it; but as to the Evidence Code, on which Mr. Amos passes the most unqualified praise as a perfect instance of the application of theoretical jurisprudence to practical legislation, if the Bill drawn by the same hand which Sir John Coleridge brought into Parliament last session, was drawn after that pattern, we can only hope we may be delivered from it.

We cannot but regret that Mr. Amos did not give a more thorough and practical consideration to the question before he published his work. The style, though too vague and rhetorical, is elegant, pleasant, and lively, and on first reading the book a favourable impression is made which a careful perusal does not sustain. The draft scheme we think contains some valuable suggestions, but we fear they are likely to be overlooked from the want of penetration and of logical thoroughness which it shows. What we want is some investigation of the principle of codification, and that we cannot find in the work before us.

The *Daily Telegraph* announced on Thursday that the Solicitor-Generalship will very shortly be offered to and accepted by Mr. Henry James, but that the arrangement had not been definitely concluded.

The undersheriffs for the City of London for the ensuing year are Mr. Thomas Beard, of the firm of Messrs. Beard & Son, solicitors, Basinghall-street, and Mr. Arthur T. Hewitt, solicitor, 32, of Nicholas-lane.

In the Irish consolidated chamber a few days ago on a motion on behalf of the defendant for liberty to plead, it appeared that the action was for slander. The alleged slander consisted of the words "see that robbing old scoundrel," to which counsel said the genius of the pleader had attributed the inuendo, "meaning thereby that plaintiff had been guilty of an indictable offence." The defendant applied for liberty to plead a traverse of the speaking of the words, and of the sense imputed by counsel's "monstrous growth of intellectual power."

## GENERAL CORRESPONDENCE.

IS DONCASTER STILL A PARLIAMENTARY BOROUGH OR NOT?

Sir,—In your influential publication of the 6th appeared a leading article, which has been copied into other papers and made the foundation of other articles, upon this subject. I trust, therefore, you will permit me to state the ground on which Doncaster claims to be represented in Parliament.

Hallam (*Constitutional History of England*) says:—"Many of the towns which had abandoned their privilege at a time when they were compelled to the payment of daily wages to their members, during the session, were desirous of recovering it when that burden had ceased, and the franchise had become valuable. And the House, out of favour to popular rights, laid it down in the reign of James I. as a principle, that every town which has at any time returned members to Parliament is entitled to a writ as a matter of course. The speaker, accordingly, issued writs to Hertford, Pomfret, Ilchester, and some other places, on their petitions. The restitutions of boroughs, in this manner, down to 1641, are fifteen in number. But though the doctrine that an elective right cannot be lost by disuse is still current in Parliament, none of the very numerous boroughs which have ceased to enjoy that franchise since the days of the three first Edwards have, from the Restoration downwards, made any attempt at retrieving it."

Now, Mr. Editor, Doncaster is not going to ask, as your article assumes, that it may be created a new borough by the Crown. We admit that the Crown has no power to "create a new borough." Indeed, I much doubt if the Crown ever, after Mary's time, indisputably exercised the prerogative of creating new boroughs.

Nor is it the fact, as your article asserts, that a "writ was issued to the borough of Doncaster in the reign of Edward I., which the borough, on its own petition, was relieved from the necessity of obeying." On the contrary, our position is that Doncaster did obey the writ, by sending two members to Parliament; and has never since in any way been "disfranchised." It was certainly afterwards "excused" (like Colchester for five years, on account of the expense to which it had been put in fortifications; and Great Marlow for three hundred years), but "excuse" is surely not "deprivation," nor "relief," "disfranchisement."

The sole question, I believe, is whether an elective right can be lost by disuse. If not, Doncaster is still—notwithstanding past negligence—a Parliamentary borough; and will struggle hard to regain its dormant, but unextinguished, and now valued, privilege.

W. E. SHIRLEY, Town Clerk.

[The purport of the remarks to which Mr. Shirley refers has been misapprehended. The point of the observation we made was this: the precedents alleged only showed that the Crown, at a time when it possessed the power of creating new parliamentary boroughs, saw fit not only to exercise that power in favour of many wholly new boroughs, but also to grant the petition of some to which writs had formerly been issued but which had "declined the honour." Such precedents could not therefore possibly show the existence of any right in the latter class to have representation; for all that appears is that on certain petitions the Crown, which did not act judicially, but in the exercise of an absolute power, did what was asked, and what might have been done without the asking. We may note that Mr. Shirley very judiciously stops short in his extract from Hallam. If he had quoted the whole of the last sentence it would have read thus: "None of the very numerous boroughs which have ceased to enjoy that franchise since the days of the three first Edwards have from the Restoration downwards made any attempt at retrieving it; nor is it by any means likely that they would be successful in the application."—Ed. S. J.]

## PLEADING UNDER THE NEW JUDICATURE BILL.

Sir,—The writer of your article on the above subject, your issue of the 13th inst. points out the desirability of framing pleading so as to omit any unnecessary matter and so as to give fair notice of the line of attack or defence

to be adopted; but he leaves untouched one most important part of the subject. Having had an opportunity of watching the growth of a mode of pleading under a system very similar to that shadowed forth by the schedule to the Judicature Act, my experience is that although one object of pleading is that each party should have notice of the line of defence or attack to be taken by the other; another, and in my view a more important object is, that such a statement or record of the case as will raise distinctly the issues to be tried should be constructed for the information of the Court. These issues may be issues of law or of fact, but whichever they are each party should be required so to state his case as to raise distinctly and separately the issues of law and issues of fact which he intends to rely upon; and so long as this is done, the more the statements are summarised the better.

How often do we see a cause carried down at enormous expense to be tried by special jury, when it appears that all the facts are admitted and the case turns upon a point of law which could have been much better raised on the pleadings, but has to be reserved at Nisi Prius in such a hurry and bustle of business that the language of the judges' notes or those of counsel are probably inaccurate? No such thing as a "point reserved" (excepting on questions of evidence) ought to be allowed under any circumstances. If a party has a point of law to raise let him do it deliberately on the face of the pleadings so as to give the other party an opportunity of considering deliberately whether he will meet it or not. Also let all issues of fact be raised distinctly, and put to the jury in the forms of questions requiring only "Yes" or "No" for an answer. These questions should be settled by a judge before trial. If the pleadings are framed properly, then corrected as to facts by the verdict of the jury, and as to law by the decision of the judges on demurrer, they form a perfect record. Paragraph 18 of the schedule to the Judicature Act directs as to pleadings as follows:—"Such statements shall be as brief as the nature of the case will admit, and the Court in adjusting the costs of the action shall inquire at the instance of any party into any unnecessary prolixity, and whether the costs occasioned by such prolixity is to be borne by the party chargeable with the same." In addition to this, the rules should provide that the parties shall set forth the facts relied on by them in as summarised and concise a form as possible, consistently with each party raising distinctly and separately the issues of fact and issues of law upon which he intends to rely. Any party omitting to comply with this rule should pay to the other all costs incurred in consequence of such omission. The penalty of having to pay the costs will, doubtless, be effectual in compelling parties to raise their issues properly.

On the subject of prolixity I propose to say a word in a future communication. I have known a rule that whenever any document forms part of the case of either party the material part or parts of it (only) should be set forth *verbatim* to work well in raising the issues clearly; but excepting as to this, the present diffuse style of pleading in Chancery should be put an end to, and any attempt to return to it by stating evidence should be visited with costs against the party doing it. Speaking from experience, I am certain that if the courts exercise a careful supervision over the system of pleading during the first few years, a very superior system would be the result; but in such supervision everything like prejudice in favour of either of the present systems must be sacrificed, and only two objects looked for. 1st. To make each party bring out in bold relief the points, whether of fact or law, which he intends to raise. 2nd. To make each party's statement as concise and perspicuous as possible.

G. F. BUTTNER HARSTON.

37, Gresham-street, E.C., Sept. 17.

#### CERTIFICATE DUTY AND THE SUPREME COURT ACT.

Sir,—As the authority conferred by this Act upon the District Courts to issue writs, &c., will of course have the effect of doing away with a good deal of agency business the absence of any provision therein abolishing the distinction between town and country licences by making them all £6 from the coming into operation of the Act must be a mere omission.

The tax is too productive and too easily collected to admit of a hope of its total abolition; but, as Law and

Equity are to be fused, I should like to see a *little* of the latter infused into the collection of the above duty.

H.

#### APPOINTMENT.

MR. JOHN LENTON PULLING, of 3, Adelaide-place, London Bridge, solicitor, has been appointed a Perpetual Commissioner for taking acknowledgments of deeds by married women under the Fines and Recoveries Act, for Surrey, Kent, London, and Middlesex.

#### GENERAL ORDERS

Made pursuant to the Statute 36 & 37 Victoria, c. 48, s. 29, intituled "An Act to make better Provision for carrying into effect the Railway and Canal Traffic Act, 1854, and for other purposes connected therewith."

##### Interpretation.

1. In the construction of these orders and the forms herein referred to, words importing the singular number shall include the plural, and words importing the plural number shall include the singular number, and the following terms shall (if not inconsistent with the context or subject matter) have the respective meanings hereinafter assigned to them; that is to say, "application" shall include complaint under this Act, "applicant" shall include any complainant under this Act, and "defendants" shall mean the persons or company against whom the application or complaint is made.

##### Application or Complaint to the Commissioners.

2. *Form of application generally.* Every application made to the Commissioners under this Act shall be in writing or in print, or partly in writing and partly in print, and be signed by the applicant, or in the case of a corporate body, or company, or local or harbour board being the applicant, shall be sealed with their seal and signed by their secretary or other officer acquainted with the facts stated in the application. It shall contain a clear and concise statement of the facts, the grounds of application, and of the relief or remedy to which the applicant claims to be entitled. It shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively. It shall be endorsed with the name and address of the applicant, and if there be an attorney acting for him in the matter, with the name and address of such attorney, and if he be an agent for another attorney in the matter, then also with the name and address of such other attorney. The application shall be according to Form No. 1 in the Schedule hereto, or to the like effect.

3. *Under ss. 6 and 13 of this Act.* Every application made to the Commissioners under sections 6 and 13 of this Act, shall be for a summons calling upon the company complained of to show cause why a writ of injunction should not issue against them, enjoining them to do or to desist from doing the acts therein specified.

4. *Under s. 8.]* Every application made to the Commissioners under section 8 of this Act (unless both parties consent to refer the difference to the Commissioners), shall be for a summons calling upon the other party to the difference to show cause why it should not be referred to the Commissioners for their decision, in lieu of being referred to arbitration. The applicant shall also state whether or not it is a case in which any arbitrator has in any general or special Act been designated by his name or by the name of his office, or in which a standing arbitrator has been appointed under any general or special Act.

5. *Under s. 9.]* Every application made to the Commissioners under section 9 of this Act shall be signed by all the parties to the difference, or in the case of a corporate body shall be sealed with their seal, and shall be for permission to refer the difference to the Commissioners for their decision.

6. *Under s. 10, sub-sec. 1.]* Every application made to the Commissioners under section 10, sub-section 1 of this Act, shall be for the approval by the Commissioners of any working agreement between railway companies, whereof they desire to have the Commissioners' approval, or shall be for the exercise of any other powers (to be specified in the said application) transferred by the said sub-section to the Commissioners with respect to the approval of such working agreement.



7. *Under s. 11, sub-sec. 4.]* Every application made to the Commissioners under section 11, sub-section 4 of this Act, shall be for a summons calling upon the forwarding company to show cause why the through rate or route, or through rate and route proposed by the applicant and objected to by the forwarding company, should not be allowed by the Commissioners.

8. *Under s. 11, sub-sec. 6.]* Every application made to the Commissioners under section 11, sub-section 6 of this Act, shall be for a summons calling upon the forwarding company to show cause why the apportionment of the through rate proposed by the applicant and objected to by the forwarding company should not be allowed by the Commissioners.

9. *Under s. 14.]* Every application made to the Commissioners under section 14 of this Act, shall be for a summons calling upon the railway company or canal company, against whom the application is made, to show cause why they should not distinguish in the book or books therein mentioned how much of the rate in respect whereof the application is made is for the conveyance of the particular description of traffic therein named on the railway or canal in question, including therein tolls for the use of the railway or canal, for use of carriages or vessels, or for locomotive or other tractive power, and how much is for other expenses, specifying the nature and detail of such other expenses. The applicant in such case shall state that he is interested in the matter, and show how he is interested therein.

10. *Under s. 15.]* Every application made to the Commissioners under section 15 of this Act, shall be for a summons calling upon the railway company, against whom the application is made, to show cause why the question or dispute therein mentioned with respect to the terminal charges of such company (the charges not having been fixed by any Act of Parliament) should not be heard and determined by the Commissioners, and why they should not decide what is a reasonable sum to be paid to such company for loading and unloading, covering collection, delivery, and other services of a like nature. The application in such case shall state the actual amount of such charges, and the amount which the applicant contends that they ought to be.

11. *Under s. 16.]* Every application made to the Commissioners under section 16 of this Act, shall be for them to sanction the agreement therein mentioned, such sanction to be signified by certificate under their seal.

12. *Under s. 17.]* Every application made to the Commissioners under section 17 of this Act, shall be for a summons calling upon the railway company, against whom the application is made, to show cause why a writ of injunction should not issue against them, restraining them from permitting and suffering the canal therein mentioned, or parts thereof, or works belonging thereto, to remain unrepaired, or in want of dredging, or not in good working condition, or without proper supplies of water thereto; and also enjoining them to keep and maintain the said canal or such parts thereof, or such works thereto belonging, thoroughly repaired or dredged or in good working condition, or to preserve the supplies of water to the same. The application in such case shall specify the obstruction, non-repair, or other defect sought to be remedied, and show in what part of the canal or works such obstruction, non-repair, or other defect exists.

13. *How left at the Commissioners' office.]* The application so written, or printed or written and printed, and signed or sealed and signed as aforesaid, shall be left with the registrar to the Commissioners at their office, together with three copies thereof, and with any documents, maps, plans, time tables, and special Acts referred to therein or which may be useful in explaining or supporting the same. The registrar shall give a receipt for the same, which shall be according to Form No. 2 in the schedule hereto, and he shall enter particulars of the application, together with the date of its being left with him, in a book to be kept for that purpose. He shall also make out a list of the applications so left according to the order in which they are received by him, and such list may be inspected at the office during office hours, and shall for that purpose be put upon a notice board appropriated to proceedings under this Act. The applications shall be heard by the Commissioners so far as it may in their judgment be practicable according to the order in which they are so entered upon the list.

#### *Suspension of Proceedings.*

14. *Communication by Commissioners to company complained of.]* If the Commissioners think fit, in pursuance of section 7 of this Act, to communicate the application to the company against whom it is made, so as to afford them an opportunity

of making observations thereon before requiring or permitting any formal proceedings to be taken thereon, they shall give notice thereof to the applicant within five days from the date of the application having been left at their office, and thereupon all formal proceedings thereon shall be suspended until further notice from the Commissioners to the applicant.

15. *Commissioners requiring further information.]* The Commissioners may also within the said period of five days require further information or particulars or documents from the applicant, and may suspend all formal proceedings upon the application until satisfied in this respect.

16. *Inquiries under this Act and the Act of 1854.]* If the Commissioners at any stage of the proceedings think fit to direct inquiries to be made under section 25 of this Act or under section 3 of the Railway and Canal Traffic Act, 1854, they shall give notice thereof to the parties to the application, and may stay proceedings or any part of the proceedings thereon until further notice from the Commissioners.

#### *Consent Cases.*

17. *Parties dispensing with formal proceedings.]* In all cases the parties may by consent in writing dispense with the formal proceedings hereinafter mentioned, or some portion of them, and orders by consent may be drawn up, and, if approved of by the Commissioners, may be sealed with their seal.

#### *Writ of Summons.*

18. *Hearing of application for leave to issue.]* Unless the parties so consent, and unless the applicant shall have received notice of the suspension of proceedings within the said period of five days, he may at the expiration of that period apply to the registrar to the Commissioners for an appointment when his application may be heard by them, and the registrar shall thereupon give to him an appointment in writing stating the day and hour when the same may be heard by the Commissioners, and the same shall, if practicable, then be heard, and the facts stated in the application be proved by affidavit or otherwise, and thereupon the Commissioners shall grant or refuse leave to issue a writ of summons in the terms or to the effect of the application, and the granting or refusal thereof shall be endorsed on the application.

19. *Issuing.]* If leave to issue a writ of summons be granted the applicant or his attorney shall prepare the same according to Form No. 3 in the said schedule, and the same shall be endorsed with the name and residence and addition of the applicant, and, if there be an attorney, the name and address of such attorney, and if he be an agent for another attorney in the matter, then also the name and address of such other attorney. It shall also be subscribed with a memorandum that the defendants shall put in an answer to the application within 10 days from the service of the said writ. The writ of summons and a copy or copies thereof, and a copy of the application for the purpose of service thereof, as hereinafter mentioned, shall be sealed by the registrar.

20. *Service.]* A copy of the writ of summons so issued and sealed, together with a copy of the application so sealed as aforesaid, shall be served by leaving the same with the secretary or other chief clerk of the defendants at their principal office in any part of the United Kingdom, or if service cannot thus be effected, then in such manner as the Commissioners may direct.

21. *Indorsement of service.]* The person serving the writ of summons and application shall forthwith endorse on the writ the day of the month of the service, and an affidavit of service of such writ and application, stating the day on which service was made, shall thereupon be left with the registrar to the Commissioners at their office.

#### *Time for Appearance and showing cause.*

22. *How stated in writ of summons.]* The writ of summons shall require the defendants to appear before the Commissioners at the place therein mentioned in 20 days from the service thereof to show cause against the said application, but the Commissioners may enlarge the time for appearance and showing cause.

#### *Answer.*

23. *Time for delivery and form of.]* Within ten days from the service of the writ of summons, or within such further or extended time as may be fixed by any special order of the Commissioners, the defendants shall deliver to the applicant or to his attorney a printed or written or partly printed and partly written statement containing in a clear and concise form their answer to the application, and shall also leave four copies thereof with the registrar to the Commissioners at their office,

together with any documents that may be useful in explaining or supporting it, and the registrar shall give a receipt for the same. The answer may admit the whole or any part of the facts stated in the application. It shall be divided into paragraphs, which shall be numbered consecutively, and it shall be sealed with the seal of the company, and signed by the person actually making the same, and who is acquainted with the facts stated therein. It shall be indorsed with the name and address of the defendants, and if there be an attorney acting for them in the matter, with the name and address of such attorney, and if he be an agent for another attorney in the matter, then also with the name and address of such other attorney. It shall be in form No. 4 in the said schedule, or to the like effect.

24. *Verification of.* The Commissioners may at any time require the whole or any part of the answer to be verified by affidavit upon giving a notice to that effect to the defendants, and if such notice be not complied with the answer may be set aside, or such part of it as is not verified according to the notice may be struck out.

#### Reply.

25. *Time for delivery and form of.* Within four days from the delivery of the answer to the applicant, or within such further or extended time as may be fixed by any special order of the Commissioners, he shall deliver a reply thereto to the defendants, and four copies thereof to the registrar to the Commissioners, and may object to the said answer as being insufficient, stating the grounds of such objection, or deny the facts stated therein, or may admit the whole or any part of such facts. The reply shall be signed by the applicant, and be according to form No. 5 in the said schedule or to the like effect.

#### Power to direct and settle Issues.

26. *Commissioners may direct issues.* If it appear to the Commissioners at any time that the statements in the application, or answer or reply do not sufficiently raise or disclose the issues of fact in dispute between the parties, they may direct them to prepare issues, and such issues shall, if the parties differ, be settled by the Commissioners.

#### Preliminary Questions of Law.

27. *Power of Commissioners to raise and decide.* If it appear to the Commissioners at any time that there is a question of law which it would be convenient to have decided before further proceeding with the case, they may direct such question to be raised for their opinion either by special case or in such other manner as the Commissioners may deem expedient, and all such further proceedings as the decision of the question of law may render unnecessary may thereupon be stayed.

#### Preliminary Meeting.

28. *Commissioners may hold at any time before hearing.* If it appear to the Commissioners at any time before the hearing of the application that it will be to the advantage of the parties to hold a preliminary meeting for the purpose of fixing or altering the place of hearing, determining the mode of conducting the inquiry, the admitting of certain facts or the proof of them by affidavit, or for any other purpose, they shall have power to hold such meeting upon giving notice thereof to the parties, and may thereupon make such order as shall seem to them fit under the circumstances.

#### Preliminary Communication with the Parties.

29. *Commissioners may communicate with parties.* The Commissioners may, if they think fit, instead of holding such meeting as in the 28th General Order mentioned, communicate with the parties in writing, and may require answers to such inquiries as they may think fit to make.

#### Production and Inspection of Documents.

30. *Documents referred to in statements.* Either party shall be entitled at any time before or at the hearing of the case to give a notice in writing to the other party in whose application or answer or reply reference is made to any document to produce it for the inspection of the party giving such notice, or of his attorney, and to permit him to take copies thereof, and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence on his behalf in such proceeding unless he satisfy the Commissioners that he had sufficient cause for not complying with such notice.

#### Notice to produce.

31. *How to be given.* Either party may give to the other a notice in writing to produce such documents as relate to

any matters in difference (specifying the said documents), and which are in the possession or control of such other party, and if such notice be not complied with secondary evidence of the contents of the said documents may be given by or on behalf of the party who gave such notice.

#### Notice to admit.

32. *How to be given and effect of.* Either party may give to the other party a notice in writing to admit any documents saving all just exceptions, and in case of neglect or refusal to admit after such notice, the costs of proving such documents shall be paid by the party so neglecting or refusing, whatever the result of the application may be, unless at the hearing the Commissioners certify that the refusal to admit was reasonable, and no costs of proving any document shall be allowed unless such notice be given except where the omission to give the notice is in the opinion of the taxing master a saving of expense.

#### Witnesses.

33. *Attendance how enforced and rules applicable to.* The attendance of witnesses with or without documents shall be enforced in the same manner as it is now enforced in a superior court of law, and the proceedings for that purpose shall be in the same form, *mutatis mutandis*, and they shall be sealed by the registrar to the Commissioners with their seal, and may be served in any part of the United Kingdom. The witnesses shall be entitled to the same protection as when subpoenaed or cited to attend a superior court of law, and the laws and practice now in force relating to witnesses in a superior court of law shall apply to them in proceedings before the Commissioners.

#### The Hearing.

34. *Power of Commissioners to proceed ex parte.* If the applicant does not appear at the time and place appointed for the hearing, the Commissioners may dismiss the application, and if the defendants do not appear at such time and place and the Commissioners are satisfied that the summons was duly served, they may hear and determine the application *ex parte*, and if at any adjournment of the hearing the parties or either of them do not appear, the Commissioners may decide the case in their absence.

#### Evidence at the Hearing.

35. *To be viva voce except in certain cases.* In the absence of any agreement between the parties the witnesses at the hearing shall be examined *viva voce*, but the Commissioners may at any time for sufficient reason order that any particular facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing on such conditions as they may think reasonable, or that any witness, whose attendance ought for some sufficient cause to be dispensed with, be examined by interrogatories or otherwise before a person to be appointed by them for that purpose, provided that when it appears to the Commissioners that the other party *bona fide* desires the production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorising the evidence of such witness to be given by affidavit.

Depositions taken before an Assistant Commissioner or other person authorised to take them may be read at the hearing without calling the deponents unless the Commissioners otherwise order.

36. *Commissioners may require further evidence.* The Commissioners may require further evidence to be given either *viva voce*, or by affidavit, or by deposition taken before an Assistant Commissioner or other person appointed by them for that purpose.

37. *Hearing to proceed from day to day.* The hearing of the case when once commenced shall proceed, so far as in the judgment of the Commissioners may be practicable, from day to day.

#### Judgment of Commissioners.

38. *Form of.* After hearing the case the Commissioners may dismiss the application, or make an order thereon in favour of the defendants, or reserve their decision, or (subject to the right of appeal in this Act mentioned) make such other order upon the application as may be warranted by the evidence, and may seem to them just.

39. *May be in writing and sent or delivered to the parties.* The Commissioners may give their decision in writing signed by them, and it may be sent or delivered to the respective parties, and it shall not be necessary to hold a court merely for the purpose of giving such decision.

*Costs.*

40. *How taxed and recovered.*] Costs shall be taxed upon the order of the Commissioners by which they are payable, and when taxed may be recovered by making such order a rule of any superior court in the ordinary way, and issuing execution upon such rule, or may be recovered in any other manner according to the practice of the said court.

*Alteration or rescinding of Orders.*

41. *When application for, to be made.*] Any application to the Commissioners to review and rescind or vary any decision or order previously made by them must be made within 28 days after the said decision or order shall have been communicated to the parties unless the Commissioners think fit to enlarge the time for making such application.

*Appeal.*

42. *To a Superior Court.*] If either party desire to appeal to a superior court from the decision of the Commissioners upon any question which, in the opinion of the Commissioners, is a question of law, he shall give notice thereof to the other party and to the registrar within 14 days from the time when the decision was communicated to the parties, and shall therein state what the question of law is and express his intention to apply to the Commissioners on a certain day to be therein named (not exceeding 14 days from the date of the notice) to state a case in writing for the opinion of a superior court, to be determined by the Commissioners upon such security being given as they may direct.

43. *To all the Commissioners from one or two of them.*] If either party desire a re-hearing by all the Commissioners of any decision or order made by any one or two of their number, he shall give notice thereof to the other party and to the registrar within 14 days from the time when the decision or order was communicated to the parties, and shall therein express his desire to have the same re-heard wholly or in part, and his intention to apply to the Commissioners on a certain day to be therein named (not exceeding 14 days from the date of the notice) to re-hear the same, specifying the questions upon which he requires such re-hearing.

*Interlocutory Applications.*

44. *How heard.*] Interlocutory applications may be heard by the Commissioners upon summons duly served on the person called upon to answer the application, and may be determined in a summary way. Evidence in such cases may be given by affidavit, but the Commissioners may order the attendance for cross-examination of the person making any such affidavit.

*Affidavits.*

45. *How framed.*] Affidavits shall be confined to such facts as the witness is able of his own knowledge to prove, except on interlocutory motions, on which statements as to his belief with the grounds thereof may be admitted. The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter or copies of or extracts from documents shall be paid by the party using or filing the same.

46. *Filing of affidavits, &c., and giving office copies.*] Affidavits left with the registrar or used before the Commissioners shall be filed in their office, and applications, answers, and replies, together with documents left therewith at the said office, shall also be there filed, and office copies of the same shall be given by the registrar upon request of the parties.

*Computation of Time.*

47. *How computed.*] In all cases in which any particular number of days, not expressed to be clear days, is prescribed by this Act or by these orders, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on a Sunday, Christmas Day, or Good Friday, or a day appointed for a public fast or thanksgiving, in which case the time shall be reckoned exclusively of that day also.

48. *What days to be excluded.*] The days between Thursday next before and the Wednesday next after Easter Day and Christmas Day, and the three following days shall not be reckoned or included in any proceedings under this Act.

*Registrar's Office, when open.*

49. *The hours and days when open.*] The registrar's office shall be open from ten o'clock in the forenoon till five o'clock in the afternoon daily, except between the 10th day of August

and the 1st day of October in any year after the year 1873, when it is to be open from eleven in the forenoon till two in the afternoon, and except on Good Friday, Easter Eve, Monday and Tuesday in Easter Week, Christmas day, and the three following days, the Queen's birthday, and Whit Monday and Whit Tuesday, when the office shall be closed.

*Adjournment.*

50. *Power of Commissioners to adjourn.*] The Commissioners may from time to time adjourn any proceedings before them.

*Amendment.*

51. *Power of Commissioners to amend.*] The Commissioners may at any stage of the proceedings allow them to be amended, or may order to be struck out any matters which may tend to prejudice, embarrass, or delay the fair hearing of the case, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

*Formal Objections.*

52. *Not to prevail.*] No proceedings under this Act shall be defeated by any formal objection.

*Commissioners acting separately.*

53. *In what cases.*] The Commissioners may exercise their jurisdiction by any one or two of their number in cases under ss. 8, 9, and 19 of this Act, and on the hearing of applications for leave to issue a summons, and on all interlocutory applications.

*Practice of Superior Courts of Law, when applicable.*

54. *Discretion of Commissioners in cases not expressly provided for.*] In any case not expressly provided for by this Act or by these orders, the general principles of practice in the superior courts of law may be adopted and applied at the discretion of the Commissioners to proceedings before them.

*Table of Fees.*

55. *What fees may be taken.*] The fees, a table whereof is in the schedule hereunto annexed, may be demanded and taken in respect of the proceedings before the Commissioners.

FREDERICK PEEL.  
H. T. J. MACNAMARA.  
W. P. PRICE.

August 29, 1873.  
Approved,  
SELBORNE, C.

SCHEDULE.  
I. FORMS.

No. 1. Application.	No. 4. Answer.
" 2. Receipt of Registrar for Application.	" 5. Reply.
" 3. Writ of Summons.	" 6. Warrant of Commitment for Contempt.

The forms of proceedings contained in this schedule may be used in the cases to which they are applicable, with such alterations as the circumstances of the case may render necessary, but any variance therefrom, not being in matter of substance, shall not affect their validity or regularity.

No. 1.

*Application.*

The Regulation of Railways Act, 1873.

In the matter of the application of } A.B. states that  
A.B. against } 1.  
The Company. } 2.

And the said A.B. applies to the Railway Commissioners under the above mentioned Act for a Summons calling upon the said Company to show cause why [here state concisely the nature of the application, as, for example, thus] a writ of injunction should not issue against them pursuant to the said Act enjoining them to desist from giving any undue preference to themselves or other persons in the carrying or in the collecting, carrying, and delivering for themselves or other persons, of goods and parcels, or in their charges for the same over the said A.B. in the carrying of such goods and parcels



for him, and enjoining the said Company not to subject him to any undue prejudice in respect thereof.

Dated this      day of      187 .      Signed A.B.

[Indorsement.]

This application is made by A.B. of      (stating address and occupation, and if there be an attorney in the matter) by C.D. of      (and if he be agent for the attorney) as agent for E.F. of      attorney for the said A.B.

No. 2.

*Receipt by Registrar of Application.*

The Regulation of Railways Act, 1873.

In the matter      Received on the      day of  
of the application of      187      at the office of the Rail-  
A.B. against      way Commissioners an applica-  
The Company.      tion by A.B. against the  
Company purporting to be signed by (insert the name of  
applicant and if documents be left with the application),  
and also the following documents, that is to say (enumerating them).

C.D., Registrar.

No. 3.

*Writ of Summons.*

The Regulation of Railways Act, 1873.

In the matter      To the      Company.  
of the application of      Upon the application of  
A.B. against      A.B., We, the Railway Com-  
The Company.      missioners, command you, that  
in twenty days from the service of this writ upon you,  
you appear at      at o'clock in the forenoon, and then  
and there show cause why (following the terms of the  
application), and take notice that in default of your so  
doing the Commissioners may hear and determine the  
said application *ex parte*.

Dated this      day of      187 .      (Sealed.)

*Memorandum.*—The said Company are within 10 days from the service of this writ to put in their answer to the application pursuant to the General Orders made under the Regulation of Railways Act, 1873.

[Indorsement.]

This writ is issued by A.B. of      (and if there be an attorney) by C.D. of      (and if sued out as agent for the attorney) as agent for E.F. of      attorney for the said A.B.

No. 4.

*Answer.*

The Regulation of Railways Act, 1873.

In the matter      The Company in answer to  
of the application of      the application of A.B. state that,  
A.B. against      1.  
The Company.      2.  
Dated this      day of      187 .

Sealed,  
Signed,

[Indorsement.]

This answer is made on behalf of the said company by C.D. of      , who is acquainted with the facts stated therein. The attorney for the said company is E.F. of      .

No. 5.

*Reply.*

The Regulation of Railways Act, 1873.

In the matter      The said A.B., in reply to the  
of the application of      answer of the said      Company  
A.B. against      states that,  
The Company      1.  
Dated this      day of      187 .  
Signed,

No. 6.

*Warrant of Commitment for Contempt.*

The Regulation of Railways Act, 1873.

In the matter      Upon the hearing of this ap-  
of the application of      plication on the      day of  
A.B. against      187 , at      before the Rail-  
The Company.      way Commissioners (or C.D. one  
of the Railway Commissioners) sitting in open court pur-  
suant to the above-mentioned Act.

Whereas A.B. has this day been guilty, and is by the said Commissioners (or the said C.D. being such Commissioner as aforesaid) adjudged to be guilty of contempt of them (or him) sitting in open Court as aforesaid. The said Commissioners do (or the said C.D. does) thereupon sentence the said A.B. for his said contempt to be imprisoned in the      Gaol for      , and to pay to our Lady the Queen a fine of £      , and to be further imprisoned in the said gaol until the said fine be paid. And the Commissioners further order (or the said C.D. further orders) that the sheriff of the said county [or as the case may be], and all constables and officers of the peace of any county or place where the said A.B. may be found, shall take the said A.B. into custody and convey him to the said gaol, and there deliver him into the custody of the gaoler thereof to undergo his said sentence. And the Commissioners further order (or the said C.D. further orders), the said gaoler to receive the said A.B. into his custody, and that he shall be detained in the said gaol in pursuance of the said sentence.

Signed this      day of      187 .

FREDERICK PEEL.

Approved,  
SELBORNE, C.

H. T. J. MACNAMARA.  
W. P. PRICE.

#### II. TABLE OF FEES

Appointed by the Commissioners with the concurrence of the Treasury to be taken in relation to the proceedings before the Commissioners.      £ s. d.

Receiving and filing every application and answer respectively ..... 1 0 0  
Receiving and filing every reply, affidavit, or other proceeding ..... 0 2 6

*Note.*—No extra charge is to be made for documents that may accompany any application, answer or reply, or any affidavit.

Every appointment for hearing ..... 0 2 6  
Writ of summons ..... 0 5 0  
Every summons upon interlocutory proceedings ..... 0 5 0  
Every order made thereon ..... 0 2 6  
Attendance by counsel on interlocutory proceedings, each side ..... 0 10 0

Every order for attendance of witnesses made at request of the parties or either of them... 0 2 6  
Every subpoena ..... 0 2 6  
Every commission to take evidence ..... 1 0 0  
Every hearing not in the nature of an interlocutory proceeding or of an arbitration ..... 1 0 0  
Every special case ..... 0 10 0  
If settled by the Commissioners ..... 3 3 0

Every hearing in the nature of an arbitration under ss. 8, 9, and 19 of the Regulation of Railways Act, 1873.

Each day or part of a day ..... 15 15 0

In all cases whether in the nature of an arbitration or otherwise, if there be an assessor his charge is to be added to the hearing fee.

*Note.*—The fee for the hearing in the nature of an arbitration and the assessors' charge is to be paid on each day by the party whose case is then being heard, unless the Commissioners otherwise order.

For every decision in the nature of an award under ss. 8, 9, and 19 of the said Act ..... 5 5 0  
Office copies of proceedings, per folio ..... 0 0 6

*Note.*—Copies of plans, sections, &c., to be paid for by the party requiring them according to the actual cost.

# INTESTATES' WIDOWS AND CHILDREN.

RULES AND ORDERS and TABLE OF FEES Framed in pursuance of the provisions of the Act of 36 & 37 Victoria chap. 52.

I, the Right Honourable Sir James Hannen, Knight, Judge of the Court of Probate, do hereby order and direct that the fees mentioned and set forth in the Table of Fees hereunto annexed, shall, on approval of the Commissioners of her Majesty's Treasury, be taken for and in respect of all grants of Letters of Administration made by the Court of Probate by authority of the Act of 36 & 37 Vict. c. 52.

And I further order and direct that a moiety of the said fees shall be paid to or retained by the Registrar of the County Court acting in the matter, and the remaining moiety shall be paid to or retained by the Registrars of the Principal Registry or the District Registrars of the Court of Probate, by whom the Letters of Administration are made out and sealed.

And I further order and direct that the moiety of the fees paid to or retained by the Registrars or District Registrars of the Court of Probate, shall be applied to the purchase of fee stamps denoting the amount, and such fee stamps shall be cancelled and deposited in or transmitted to the Principal Registry in the same manner as other fee stamps taken in the Principal and other Registries of the Court.

(Signed) JAMES HANNEN.

Dated this 8th day of August, 1873.

TABLE OF FEES to be taken in the PRINCIPAL REGISTRY and DISTRICT REGISTRIES of the COURT OF PROBATE, and by the REGISTRARS of COUNTY COURTS, in pursuance of the Act 36 & 37 Vict. c. 52.

Letters of Administration of the personal estate of an intestate granted to his widow or one or more of his children, under the authority of the Act 36 & 37 Vict. c. 52, when the whole of such personal estate is sworn to:—

	£	s.	d.
Not to exceed in value £20 .....	0	5	0
Not to exceed in value £30 .....	0	6	0
Not to exceed in value £40 .....	0	7	0
Not to exceed in value £50 .....	0	8	0
Not to exceed in value £60 .....	0	9	0
Not to exceed in value £70 .....	0	10	0
Not to exceed in value £80 .....	0	11	0
Not to exceed in value £90 .....	0	12	0
Not to exceed in value £100 .....	0	13	0

The moiety of the above fees to be paid to or retained by the Acting County Court Registrar, and the remaining moiety to be deposited in or remitted to the Principal or District Registries of the Court in the form of fee stamps.

(Signed) JAMES HANNEN.

Dated this 8th day of August, 1873.

Approved by the Commissioners of her Majesty's Treasury,  
13th August, 1873.

## LEGAL ITEMS.

It is stated that at Blackburn on Monday the Liberals issued 8,000 objections to persons whose names appear in the burgess lists. The Conservatives issued 2,000 notices of objection.

A member of the Parsee community writes to the *Times of India* suggesting that all natives should raise a handsome sum by subscription and invest it in Law Scholarships as a memorial to the late Mr. Chisholm Anstey.

On Thursday last the Lord Chief Justice intimated, in consequence of a speech delivered by the defendant in *Reg. v. Castro* at Spenymoor, that the judges had determined that if he attended any other public meeting he would be no longer held to bail, but committed to prison.

The third question for discussion in the Repression of Crime Sections of the Social Science Congress, "What improvements are required in the system of discipline in county and borough prisons?" and the second question in the Health Department is, "What are the best means, sanitary and economical, of disposing of the sewage of inland

towns?" An alteration has been made in the programme on these points.

There are about 50 claims yet to be decided by the Anglo-American Claims Commission, chiefly cotton cases, says the correspondent of the *Times*, but the Commission is expected to complete its work by the 21st inst., so that a supplemental Treaty, extending its duration, will not be necessary.

The whole of the wills and other records now deposited in the strong rooms of the Registry of the Court of Probate in Doctors' Commons are to be removed to Somerset House, where part of the basement roofed by the river terrace, and recently vacated by the Navy Medical Department is being prepared for their reception.

The confirmation, under the seal of the Commissariat of Roxburgh, dated August 8, of Lord H. Kerr, Francis E. Kerr, George Bayley, and W. Williams, as the surviving executors of the will and codicils of the late Mr. Hope Scott, Q.C., was sealed on the 20th ult. at the principal registry, London. The inventory of the personal estate and effects in England, Ireland, and Scotland amounts to £130,000.

The conference of lawyers and writers on International Law from Europe and America, which met at Ghent last week for the purpose of examining the question of bringing scientific action to bear upon the administration of international law, has constituted a permanent international law institute, agreed upon its statutes, and laid down the three following subjects for consideration, viz. international arbitration, the three rules laid down in the Treaty of Washington, and the conclusion of treaties for the codification of the fundamental rules of international law with respect to private property.

Among the questions to be discussed at the Autumnal Congress of the Associated Chambers of Commerce of the United Kingdom to be held this year at Cardiff, commencing on Tuesday next are the following:—Bankruptcy Law Amendment Bill, Bank Charter Act, Tribunals of Commerce, Imperial and Local Taxation, Bills of Lading, Scotch Common Law Jurisdiction in England and Ireland, Amendment of the Merchant Shipping Law, County Courts' Admiralty Jurisdiction, Registration of Partnerships, Receipts for Telegraph Messages, and Adhesive Stamps.

The *Pall Mall Gazette* says that Baillie Nisbet at the Dunbar Burgh Court on Saturday last uttered some valuable remarks as to matrimonial differences. A brawl in a house between man and wife, he said, was not a breach of the peace. If the man and wife had come into the street and "had it out" there, he (the baillie) would have entertained the charge. A man's house, however, was his castle, and he held that no one had a right to invade it unless they heard cries of murder. A quarrel between man and wife was a private matter, and, added the baillie, "he would like to see the man who had not quarrelled with his wife." He would have nothing to do with the case, which, the provost concurring, was accordingly dismissed.

The divorce case of Mrs. Brigham Young No. 17 has, says the *Pall Mall Gazette*, led to a conflict of jurisdiction in America, Brigham Young's demurrer having been sustained by Judge Emerson in the Salt Lake City against the jurisdiction of the Court. This judgment, it appears further, is in direct conflict with the opinion of the United States Judges, McKean and Hawley, and virtually of the Supreme Court of the territory; but, as the case will come up again next month and in the United States District Court before Judge McKean, it is expected that the decision of Judge Emerson will be set aside. This conflict of jurisdiction between the territorial or Mormon and the United States or Gentile courts will eventually be carried in another appeal to the Supreme Court of the United States.

The *Illustrated London News* states that the will of Alfred Atkinson Pollock, late of Heathfield, Hampstead Heath, and of No. 63, Lincoln's-inn-fields, solicitor, who was drowned while bathing, on the 10th ult., at Totland Bay, Freshwater, in the Isle of Wight, was proved, on the 10th inst., by Mrs. Caroline Dorothea Hay Pollock, the relict, the personal estate being sworn under £400,000. The testator bequeaths all his personal estate and devises all his real estate to his wife absolutely for her own sole use and benefit; and requests her, soon after his decease,

to make a will, so that the real property may not, unless she so desires, descend in case of her death intestate as real property instead of personalty.

## PUBLIC COMPANIES.

### GOVERNMENT FUNDS.

LAST QUOTATION, Sept. 19, 1873.

3 per Cent. Consols. 92½	Annuities, April, '85 9½
Ditto for Account, 92½	Do. (Red Sea T.) Aug. 1908
3 per Cent. Reduced 90½	Ex Bills, £1000, — per Ct. par
New 3 per Cent., 90½	Ditto, £500, Do — par
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, — par
Do. 3½ per Cent., Jan. '94	Bank of England Stock, 4½ per
Do. 5 per Cent., Jan. '73	Ct. (last half-year)
Annuities, Jan. '80 —	Ditto for Account.

### RAILWAY STOCK.

Railways.	Paid.	Closing Prices.
Stock Bristol and Exeter .....	100	120
Stock Caledonian .....	100	94
Stock Glasgow and South-Western .....	100	120
Stock Great Eastern Ordinary Stock .....	100	40
Stock Great Northern .....	100	129½
Stock Do., A Stock .....	100	147
Stock Great Southern and Western of Ireland .....	100	114
Stock Great Western—Original .....	100	120½
Stock Lancashire and Yorkshire .....	100	144½
Stock London, Brighton, and South Coast .....	100	80½
Stock London, Chatham, and Dover .....	100	21
Stock London and North-Western .....	100	144½
Stock London and South-Western .....	100	107
Stock Manchester, Sheffield, and Lincoln .....	100	75½
Stock Metropolitan .....	100	71½
Stock Do., District .....	100	29½
Stock Midland .....	100	131
Stock North British .....	100	67½
Stock North Eastern .....	100	164
Stock North London .....	100	117
Stock North Staffordshire .....	100	67
Stock South Devon .....	100	69
Stock South-Eastern .....	100	106½

\* A receives no dividend until 6 per cent. has been paid to B.

### MONEY MARKET AND CITY INTELLIGENCE.

The Bank return shows an increase in the total reserve of £169,063; the proportion of reserve to liabilities remains about 44½ per cent. There was considerable depression in the railway market in the early part of the week, but on Thursday there was more animation, and prices advanced. Eries have fluctuated a good deal.

The foreign market has been firmer, but latterly there has been little business done.

### BIRTHS AND MARRIAGES.

#### BIRTHS.

**CUDDON**—On September 17, at 52, Belaise-park-gardens, Hamstead, the wife of Francis Thomas Cuddon, Esq., of a son.

**HARRISON**—On September 10, at 76, Holland-road, Kensington, the wife of Octavian B. C. Harrison, barrister-at-law, of a son.

**LATHAM**—On September 12, at Great Stanmore, the wife of William Latham, Esq., Lincoln's-inn, of a daughter.

**WALKER**—On September 17, at Lyndon Lodge, Endleham-road, Clapham, the wife of Edward Walker, Esq., barrister-at-law, of a daughter.

#### MARRIAGES.

**DUNCAN — MARKS**—On September 9, Andrew Duncan, Esq., barrister, to Ada, second daughter of the Rev. Professor Marks, of 30, Dorset-square.

**FIRTH — TATHAM**—On September 17, at Leeds, I. B. Firth, of the Middle Temple, barrister-at-law, to Elizabeth Walker, youngest daughter of George Tatham, Esq.

**HELLARD — HALE**—On September 16, at Hambledon, Hants, Joseph Augustus Hellard, of Bishops Waltham, Hants, to Laura Jane Mary, daughter of the late Edward Hale, of Hambledon House, Hambledon.

### LONDON GAZETTES.

#### Winding up of Joint Stock Companies.

TUESDAY, Sept. 9, 1873.

LIMITED IN CHANCERY.

**Essex Brewery Company, Limited.**—Petition for winding up, presented Sept 4, directed to be heard before the M.R. on Sept 17. Thomas and Hollins, Minching lane, solicitors for the petitioner.

### Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Sept 9, 1873.

Allen, William, Sutton, Cheshire, Farmer. Oct 1. Linaker, Runcorn Appleby, John, Hanley, Stafford, China Painter. Sept 30. Stevenson Hanley  
Bouverie, Everard William, Delapre Abbey, Northampton, Esq. Dec 25.  
Tyles and Co, Essex st, Strand  
Bytham, Sarah, Margate, Kent. Oct 31. Brooke and Hughes, Margate  
Cato, Elizabeth, Great Easton, Essex. Nov 1. Snell, Great Dunmow  
Edwards, Samuel, Rook Farm, Chaldon, Surrey. Sept 30. George, Chaldon  
Eburne, William, Ryton Bridge, Warwick, Farmer. Oct 17. Woodcock, Coventry  
Faulkner, Ann, Cheetham Hill, Manchester. Oct 20. Slater and Co, Manchester  
Garrard, Charles, Woodbridge, Suffolk, Boatbuilder. Nov 4. Welton, Woodbridge  
Gibbs, George, West Meon, Southampton, Saddler. Oct 19. Adams and Moberly, Alresford  
Gibson, William Watkins, Manor place, Holloway rd, Butcher. Oct 6. Price, Cheapside  
Harris, William John, Navarino rd, Dalston, Tobacco Manufacturer. Oct 31. Simpson, Moorgate st  
Harston, Rev Edward, Paigton, Devon. Dec 25. Harston, Gresham street  
Jackson, James, Brighton, Sussex, Engineer. Nov 1. Cockburn, Brighton  
Mann, John, Lichfield, Gent. Sept 30. Barnes and Russell, Lichfield  
Pratt, John Stevens, Sheffield, Surgeon. Dec 1. Wake, Sheffield  
Roberts, Phoebe Penlan, Maentwrog, Merioneth. Nov 1. Jones and Jones, Portmadoc  
Salomons, Sir David, Bart., M.P., Cumberland place, Hyde Park, Oct 16. Roy and Cartwright, Lothbury  
Sandham, William, Liverpool, Warehouseman. Oct 10. Harvey and Alison, Liverpool  
Scase, Jeremiah, Wilby, Suffolk, Farmer. Oct 18. Cross and Ram, Halesworth  
Shuttleworth, James, jun, Tyldesley, Lancashire, Barrister. Nov 12. Brookes, Manchester  
Stallard, James, Ryde, Isle of Wight, Gent. Sept 20. Vincent, Ryde  
Walker, Richard, Leeds, Woolen, Merchant. Nov 1. Rider, Leeds  
Williams, William Elliott, Houslow, Middlesex, Grocer. Oct 25. Whites and Co, Budge row, Cannon st

FRIDAY, Sept 12, 1873.

Berkeley, Hon Mary, Funtington, Sussex. Oct 31. Johnson and Raper, Chichester  
Brown, R.v Lancelot Robert, Kelsale, Suffolk. Oct 21. Reers, Lowestoft  
Bull, Thomas, Leamington, Warwick, Gent. Nov 1. Dewes and Watson, Nuneaton  
Catterall, Peter, Preston, Lancashire, Esq. Oct 13. Catterall, jun, Preston  
Cosens, Thomas, Aldingbourne, Sussex, Yeoman. Oct 31. Johnson and Raper, Chichester  
Cozens, John Frederick, Hale, Lancashire, Aerated Water Manufacturer. Oct 21. Field and Co, Liverpool  
Currie, Henry, West Horsley, Surrey, Esq. Oct 20. Murray and Hutchins, Birch lane  
Dunmore, John, Selhurst Park, South Norwood, Esq. Oct 12. Tweedie, Lincoln's inn fields  
Eckley, Richard, Bath, Gent. Oct 30. Little, Bath  
Griffiths, William, Worcester, Corn Merchant. Oct 28. Knott, Bromyard  
Grose, Ann, Mansfield, Nottingham. Oct 10. Parsons, Mansfield  
Harding, George, Clive Hall, Salop. Oct 13. Jeffreys  
Isherwood, Elizabeth, Fryton, York. Nov 18. Simpson, New Malton  
Leith, Rev Thomas Matthias, Cobridge, Stafford. Oct 1. Tomkinson, Burslem  
Marriott, Robert, Burton-upon-Trent, Stafford, Gent. Oct 13. Perks, Burton-upon-Trent  
Nash, Catharine, Hinxton Grange, Cambridge. Oct 24. Pitman and Lane, Nicholas lane, Lombard st  
Ombler, James, Walsington, York, Farmer. Oct 30. Hobson  
Perkins, Edward, Dorset st, Portman square, Gent. Nov 3. Day, Queen st, May Fair  
Posslethwaite, Harry, Delancey st, Regent's Park, Civil Engineer. Oct 10. Bayley, Basingstoke  
Ralphorp, Thomas, Legbourne, Lincoln, Farmer, Nov 1. Bell, Louth  
Rigby, John, Haigh, Lancashire, Farmer. Sept 4. Franco, Wigan  
Rowley, Thomas, Bristol, Gent. Oct 22. Burgess and Lawrence, Bristol  
Smith, Rev. John Tetley, Repton, Derby. Oct 28. Greaves, Stafford  
Stamp, Edward, St George's villas, Stockwell. Oct 31. Simpson, Moorgate st  
Story, William, Quarrington, Durham, Farmer. Oct 1. Peele, Durham  
Tomlin, James, Waltham Cross, Hertford, Gent. Oct 13. Speechly, New inn, Strand  
Ward, Ann, Sale, Cheshire, Spinster. Nov 17. Barrow, Manchester  
Ward, William, Sale Moor, Cheshire, Gent. Nov 17. Barrow, Manchester

TUESDAY, Sept 16, 1873.

Adcock, Abraham, Coventry, Draper. Oct 25. Minster, Coventry  
Bates, Harriet, Swarkestone, Derby, Spinster. Oct 27. Sale, Derby  
Batman, John, York, Gent. Nov 1. Thompson, York  
Belshaw, Joseph, Nottingham, Hosiery Manufacturer. Oct 31. Acland, Nottingham  
Butler, John, Standard st, New Kent rd, Builder. Oct 10. Gallaty and Co, Lombard court



Collin, Margaret, Sunderland, Durham, Spinster. Nov 1. Kidson and Co, Sunderland.  
 Cuthbert, John Richmond, Liverpool, Ship Broker. Oct 23. Harwood and Co, Liverpool.  
 Cuxon, Elizabeth, Sudbury, Middlesex, Widow. Dec 10. Burgoyne and Co, Oxford st.  
 Daniell, Charles Augustus, Godalming, Surrey, Colonel. Nov 8. Day, Godalming.  
 Davenport, William, Farndon, Cheshire, Wheelwright. Oct 31. Cartwright, Chester.  
 Dolan, Eliza, Vernon st, Fulham, Widow. Nov 11. Cox and Sons, Cloak lane.  
 Ellis, Frederick, Wimborne Minister, Dorset, Wine Merchant. Nov 8. Tanner, Wimborne Minister.  
 French, William, Elms, Tulse hill, Solicitor. Nov 20. Chamberlain, Basinghall st.  
 Griffiths, William, Worcester, Corn Merchant. Oct 24. Knott, Bromyard.  
 Hartley, Moses, Halifax, York, Agent. Oct 18. Longbottom, Halifax.  
 Jenner, Frances, Brynagarw, Glamorgan, Widow. Nov 1. Bubb and Co, Cheltenham.  
 Jones, Lieut-Colonel Chardin Philip, Albany, Piccadilly. Nov 7. Meynell and Pemberton, Whitehall place.  
 Lorimer, George, Newcastle-on-Tyne, Draper. Oct 2. Tinley and Co, North Shields.  
 Matthews, John, Leek, Stafford, Builder. Nov 13. Smith, Leek.  
 Morris, Ann, Chatham place, Hackney, Spinster. Oct 27. Sale, Derby.  
 Newby, Josiah, Colchester, Essex, General Ironmonger. Nov 11. Welton, Woodbridge.  
 Parish, Thomas, Tiverton, Devon, Statuary. Oct 18. Cockram, Tiverton, Devon.  
 Robb, Alexander, Liverpool, Licensed Victualler. Oct 31. Bremner and Son, Liverpool.  
 Robb, David, Liverpool, Licensed Victualler. Oct 31. Bremner and Son, Liverpool.  
 Smith, Frederick, Cheetham, Manchester, Waste Dealer. Nov 4. Whitworth, Manchester.  
 Smith, Thomas Raven row, Mile End, Oilman. Nov 13. Prentice, Whitechapel rd.  
 Smith, William, Albion terrace, Peckham rd, Gent. Oct 25. French, Crutched Friars.  
 Thorn, Martha, Winchester, Widow. Oct 10. Sharp and Co, Southampton.  
 Thorpe, Rev William, Winchester, Hants. Oct 10. Sharp and Co, Southampton.  
 Tibbary, James, Chilbolton, Southampton, Farmer. Nov 11. Smith, Andover.  
 Watson, Rev Charles Frederic, Brickworth, Northampton. Oct 31. Lattay and Hart, Old Broad st.  
 Williamson, Joseph, Carbrook, Sheffield, Gent. Nov 1. Branson and Son, Sheffield.  
 Woolley, Mary Alice, Bilston, Stafford, Spinster. Nov 1. Mason, Bilston.

# **Bankrupts.**

FRIDAY, Sept 12, 1873.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.  
 To Surrender in London.

Born, Gustavus Edwin, and Henry John Oswald Cudgode, Brabant court, Philip lane, Merchants. Pet July 11. Murray. Sept 26 at 12.  
 Howe, Joseph, Poultry, Bootmaker. Pet Sept 8. Hazlitt. Sept 26 at 11.  
 Roberts, Joseph Isaac, Richmond rd, Caledonian rd, out of business. Pet Sept 10. Murray. Sept 26 at 12.  
 Wilson, Cornelius William, St James's st, Piccadilly, Clerk in Italy Orders. Pet Aug 27. Murray. Sept 22 at 3.

To Surrender in the Country.

Barkham, Edmund, Werham, Norfolk, Corn Merchant. Pet Sept 9. Partridge. King's Lynn. Sept 23 at 11.  
 Gregory, Francis, Manchester, Brickmaker. Pet Sept 10. Kay. Manchester. Oct 2 at 9.30.  
 Hall, Peter, Manchester, Commission Agent. Pet Sept 10. Kay. Manchester. Oct 2 at 9.30.  
 Hawkins, John, Beverley, Yorkshire, Hoier. Pet Sept 9. Phillips. Kingston-upon-Hull. Sept 24 at 12.  
 Hundley, John Cooper, Hasby, Yorkshire, Farmer. Pet Sept 10. Perkins. York. Sept 24 at 11.  
 Morrell, Henry, and Frederick David Gaites, Birmingham, Commission Agents. Pet Sept 10. Chaunter. Birmingham, Sept 25 at 11.

TUESDAY, Sept 16, 1873.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.  
 To Surrender in London.

Lewis, Alfred Davis, and Frederic Michael Hyam, Gracechurch st, Ship Builders. Pet Sept 13. Murray. Oct 10 at 11.  
 Walls, Edward, Orcus st, Lisson grove, Dairyman. Pet Sept 11. Hazlitt. Oct 1 at 11.

# **BANKRUPTCIES ANNULLED.**

TUESDAY, Sept 16, 1873.

Webber, John Thomas Savory, West Cowes, Isle of Wight, Auctioneer Sept 9.  
 Hardy, Squire, Bradford, Yorkshire, Wool Cleaner. Aug 11.

# **Liquidation by Arrangement. FIRST MEETINGS OF CREDITORS.**

FRIDAY, Sept. 12, 1873.

Alder, Ralph, Sunderland, Durham, Iron Manufacturer. Sept 24 at 2 at offices of Dixon, High at West, Sunderland.  
 Alfie, George, Cannock, Stafford, Haberdasher. Sept 26 at 11 at office of Glover, Park st, Walsall.  
 Arnold, Eliza, Flimstead, Hertford, Farmer. Oct 1 at 1 at offices of Jeffery, King st, Luton.

Atkinson, Isaac, and George Cook, York, Boot Dealers. Sept 22 at 3 at offices of Hardwick, Boar lane, Leeds.  
 Bailey, Elizabeth, George st, New Town, Deptford, Florist. Sept 30 at 2 at offices of Pook and Son, Queen Elizabeth row, Greenwich rd, Greenwich.  
 Baugh, Zephaniah William, Willenhall, Stafford, Grocer. Sept 24 at 11 at offices of Kitson, Queen st, Wolverhampton.  
 Bentley, Alfred, Saddleworth, York, Journeyman Joiner. Sept 25 at 2 at offices of Roberts and Son, John st, Rochdale.  
 Binns, Thomas, York, Slatthwaite, Woollen Manufacturers. Sept 25 at 3 at offices of Leayrd and Leayrd, Baxton rd, Huddersfield.  
 Bird, Joseph James, Sheldon st, Bishop's rd, Paddington, Plumber. Sept 29 at 3 at offices of Rule and Head, Westbourne grove, Bayswater. Welman, Great George st, Westminster.  
 Blouet, Henri, Ore, Sussex, Professor of Languages. Oct 3 at 3 at office of Jones, Harold place, Hastings.  
 Burton, John, Falmouth, Cornwall, General Dealer. Sept 25 at 11 at offices of Jenkins, Post Office buildings, Falmouth.  
 Cabban, John, Forsyth st, Rotherhithe, Cooper. Sept 24 at 2 at 13, Wallbrook, Walls.  
 Charnley, William, Chorley, Lancashire, Tailor. Sept 25 at 11 at office of Morris, Townhall chambers, Chorley.  
 Cohen, Simon, and Joseph Lubliner, Hatton garden, Jewellers. Oct 8 at 3 at the Inns of Court Hotel, Holborn. Taylor and Co, Great James st, Bedford row.  
 Cox, Edward Charles, and Abraham Howlinson, Birmingham, Tube Makers. Sept 22 at 3 at offices of Pointon, Edmund st, Birmingham.  
 Elliott, Edleston, Rydings, Rochdale, Lancashire, Woollen Manufacturer. Sept 25 at 11 at offices of Roberts and Son, John st, Rochdale.  
 Foster, John Hall, Gravesend, Kent, Whitesmith. Sept 24 at 12 at offices of Sharian and Hatten, Court House, Gravesend.  
 Foster, Robert, St Thomas the Apostle, Devon, Labourer. Sept 27 at 11 at offices of Toby, Castle st, Exeter.  
 Foukes, David, Mostyn, Flint, Grocer. Sept 29 at 3 at the Queen's Commercial Hotel, Chester. Davies, Holywell.  
 Furniss, Jane, Sheffield, Clay Merchant. Sept 25 at 12 at the Cutler's Hall, Church st, Sheffield. Tattershall, Sheffield.  
 Gale, Mark Silcock, New st, Covent garden, Cheesemonger. Sept 30 at 3 at offices of Sawbridge, Milk st, Cheapside.  
 Gibson, Welford, New Malton, York, Tailor. Sept 22 at 3 at offices of Bewick and Co, Albion st, Leeds. Williamson, Scarborough.  
 Goodier, Lut, Great, Cheshire, Draper. Sept 29 at 11 at offices of Pointon, Mill st, Crewe.  
 Hamilton, William Henry, Cardiff, Glamorgan, Corn Merchant. Oct 3 at 1 at offices of Barnard and Co, Crookhertown, Cardiff. Griffith, Cardiff.  
 Hansell, John James, Stockton-on-Tees, Durham, Furniture Dealer. Sept 23 at 3 at offices of Hutton and Bolsover, Finkle st, Stockton-on-Tees.  
 Hargreaves, Thomas, Birmingham, Manufacturer of Patent Iron Tubes. Oct 7 at 12 at offices of Snow and Atkins, Ann st, Birmingham.  
 Holland, Thomas, Sheffield, Boot Dealer. Sept 26 at 12 at offices of Roberts, Queen st, Sheffield.  
 Hudson, Peter, Liverpool, Brassfounder. Sept 24 at 3 at offices of Gibson and Bolland, South John st, Liverpool. Lawrence and Dixon, Liverpool.  
 Iliffe, Tom Alfred Soden, Wolston, Warwick, Silk Throwster. Sept 25 at 12 at offices of Minister, Trinity churchyard, Coventry.  
 Jones, John, Ellesmere, Salop, General Merchant. Sept 25 at 3 at the Wynnstay Arms Hotel, Wrexham. Salter, Ellesmere.  
 Kirk, John, Smethwick, Stafford, Retail Brewer. Sept 23 at 11 at office of Travis, Church lane, Tipton.  
 Leedham, Francis, Sevenoaks, Schoolmaster. Sept 27 at 11 at the Crown Hotel, Sevenoaks. Holcroft and Co.  
 Lyaugh, Thomas Royce, Wolverhampton, Stafford, Architect. Sept 27 at 11 at offices of Cartwright, Queen st, Wolverhampton.  
 Mansbridge, William Henry, and Josiah Mansbridge, King's rd, Camden Town, Merchants. Sept 25 at 3 at the Guildhall Coffee House, Guildhall yard. Foster.  
 Mathias, Margaret, Swansea, Glamorgan, Grocer. Sept 24 at 11 at offices of Morris, Rutland st, Swansea.  
 Mayall, William, Newcastle-under-Lyme, Staff, rd, Hatter. Sept 29 at 11 at offices of Adderley and Marlett, Longton.  
 Moffat, Robert, Stratford-upon-Avon, Warwick, Draper. Oct 1 at 3 at offices of Warden, Guild st, Stratford-upon-Avon.  
 Moyes, William Ayres, Birmingham, Tailor. Sept 23 at 11 at office of Sanders and Bradbury, Cherry st, Birmingham.  
 Nellis, John, Pickering, York, Grocer. Sept 25 at 11 at office of Jackson, Malton.  
 Pacey, Thomas William, Sheffield, Saw Manufacturer. Sept 26 at 11 at the Cutler's Hall, Church st, Sheffield. Fretson.  
 Parker, George Mansell, Plymouth, Devon, Hotel Keeper. Sept 25 at 11 at offices of Elworthy and Co, Courtenay st, Plymouth.  
 Parsons, Joseph, Stanmore, Middlesex, Baker. Sept 25 at 1 at 29, Carter lane, Doctors' commons. Cranmond.  
 Pfahl, Joseph, and Charles Wilson, Winchester court, Monkwell st, Importers. Sept 26 at 2 at the Guildhall Coffee house, Gresham st. Murray, Sackville st.  
 Plowman, Elizabeth, Chichester, Sussex, Watchmaker. Sept 25 at 3 at the Dolphin Hotel, Chichester. Jamnan, Chichester.  
 Pusey, Frederick, Oxford, Butcher. Sept 25 at 11 at offices of Druce, High st, Oxford.  
 Ratcliffe, James, sen, and James Ratcliffe, jun, Rochdale, Lancashire, Woollen Spinners. Sept 25 at 3 at offices of Roberts and Son, John st, Rochdale.  
 Renwick, Thomas, Bickerton rd, Holloway, Tea Dealer. Sept 26 at 11 at offices of Preston, Mark lane.  
 Richardson, Isaac, jun, Hanley, Stafford, Grocer. Sept 22 at 2 at the North Staffordshire Railway Hotel, Winsor square, Stoke-upon-Trent.  
 Paddock and Sons, Hanley.  
 Russell, Joseph, Kidderminster, Worcester, Licensed Victualler. Sept 30 at 11 at offices of Corbet, Church st, Kidderminster.  
 Scott, David, Manchester, Under Clothing Manufacturer. Oct 7 at 3 at offices of Sutton and Elliott, Brown st, Manchester.  
 Scott, William, Aberystwith, Cardigan, Commission Agent. Sept 29 at 11 at the Townhall, Aberystwith. Ravenhill, Aberystwith.

Shea, Michael, Manchester, Coach Builder. Oct 1 at 11 at offices of Sale and Co, Booth st, Manchester  
 Short, William, Brierley Hill, Stafford, Grocer. Sept 23 at 11 at offices of Clulow, High st, Brierley Hill  
 Spicer, Robert George, Portsmouth, Grocer. Sept 25 at 11 at offices of Walmscott, Union rd, Portsmouth  
 Story, Henry Donald, Newcastle-upon-Tyne, Attorney-at-Law. Sept 29 at 12 at offices of Johnston, Pilgrim st, Newcastle-upon-Tyne  
 Thompson, Cornelius, Tipton, Stafford, Grocer. Sept 25 at 3 at offices of Travis, Church lane, Tipton  
 Thompson, William, Leeds, Manufacturer. Sept 25 at 3 at offices of Middleton and Sons, Park row, Leeds  
 Tomlinson, Peter, and Edward Tomlinson, Leicester, Builders. Sept 29 at 2 at the Wellington Hotel, Leicester  
 Vaughan, William, Tunstall, Stafford, Plumber. Sept 30 at 2.30 at offices of Alcock, Market st, Tunstall  
 Vincent, John, Chertsey, Surrey, Butcher. Sept 26 at 12 at the Crown Inn, Chertsey  
 Watling, Alfred, Great Sutton st, Clerkenwell, Timber Bender. Sept 15 at 10 at offices of Hope, Serle st, Lincoln's inn fields  
 Watson, Robert, Hemingbrough, York, Grocer. Sept 30 at 10 at 6, Victoria terrace, Gos. James  
 Wilkes, James, Wolverhampton, Stafford, Ironfounder. Oct 3 at 11 at the Swan Hotel, Wolverhampton  
 Willard, Richard, Eastbourne, Sussex, Fruiterer. Oct 1 at 12 at 16, Cornfield rd, Eastbourne  
 Wooton, Charles, Westbromwich, Stafford, Auctioneer. Sept 25 at 11 at offices of Jackson, Lombard st, Westbromwich

TUESDAY, Sept 16, 1873.

Anderson, Charles George, and Richard Alderson Anderson, Newcastle-upon-Tyne, Coach Builders. Sept 26 at 2 at offices of Joel, Newgate st, Newcastle-upon-Tyne  
 Brown, Benjamin, Beccles, Suffolk, Saddler. Oct 3 at 12 at offices of Wiltshire, Hall plain, Great Yarmouth  
 Bryden, William Charles, Great Alie st, Goodman's fields, Looking-glass Manufacturer. Sept 25 at 2 at offices of Barnett, New Broad at  
 Budden, Walter, East Grinstead, Sussex, Plumber. Sept 27 at 11 at offices of Andrews, Fenchurch st. Stone and Simpson, Tunbridge Wells  
 Cox, James, High st, St John's Wood, Boot Maker. Oct 2 at 11 at office of Chalk, Moorgate st  
 Croft, George, Sheffield, Spring Knife Manufacturer. Sept 29 at 4 at offices of Binney and Sons, Queen st chambers, Sheffield  
 Crowsley, Thomas, Lydgate, York, Grocer. Sept 26 at 3.30 at the Queen's Hotel, Tedmorden  
 Dean, Edward, Ashton-upon-Mersey, Cheshire, Grocer. Oct 6 at 11 at offices of Bate and Edgar, George st, Manchester  
 Diggon, Robert, London rd, St John's Wood, Butler. Sept 25 at 3 at offices of Parkes, Beaufort buildings, Strand  
 Dykes, Andrew, Sunderland, Durham, Tailor. Sept 25 at 12 at the Central Exchange Hotel, Newcastle-upon-Tyne  
 Fitzpatrick, Henry, Caroline st, Bedford square, Curiosity Dealer. Oct 6 at 8 at 8, Moorgate st. Harcourt and Macarthur  
 Foster, Allan, Harrogate, York, Cab Proprietor. Oct 8 at 2 at offices of Harle, Victoria chambers, South Parade, Leeds  
 Fuggle, Mary, and Frances Gibbons Fuggle, Wadhurst, Sussex, Schoolmistresses. Sept 27 at 4 at New House, Wadhurst, Palmer, Tunbridge  
 Gibson, Reuben, Manchester, Decorator. Sept 29 at 3 at offices of Addishaw and Warburton, King st, Manchester  
 Goldthorpe, Frederick, Sheffield, Tailor. Sept 26 at 12 at offices of Tattershall, Queen st, Sheffield  
 Greenhall, Thomas, Liverpool, Lithographic Printer. Oct 6 at 3 at offices of Yates, South John st, Liverpool  
 Handley, James, Wyeh st, Strand, Victualler. Sept 27 at 1 at 37, Hunter st, Brunswick square, Grayson  
 Hardy, John, and William Benedict Hardy, Leicester, Boot Manufacturers. Sept 26 at 12 at offices of Owston, Friar lane, Leicester  
 Hardy, John, Husbandry-Bowthorpe, Leicester, Licensed Victualler. Sept 30 at 11 at offices of Owston, Friar lane, Leicester  
 Harrison, Thomas, Lavenham, Lancashire, Grocer. Sept 29 at 3 at offices of Risdon, John Dalton st, Manchester  
 Hill, William, Basingstoke, Hants, Grocer. Sept 29 at 12 at the Guildhall Coffee House, King st, Cheapside  
 Hodgson, William, Milford, Cumberland, Builder. Oct 3 at 2 at offices of Meakin, Broughton-in-Furness  
 Hobday, Edward Thomas, Woolwich, Grocer. Sept 26 at 10 at 98, Middle st, Deal  
 Isell, Thomas, Stokeham, Devon, Boot Maker. Sept 26 at 12 at office of Square, Duncombe st, Kingsbridge  
 Jackson, Richard Eckridge, Preston, Lancashire, Joiner. Sept 26 at 2 at offices of Watson and Sons, Auction Rooms, Fishergate, Preston  
 Camille and Watson, Preston  
 Johnson, John Edward, Navenby, Lincoln, Coal Agent. Oct 1 at 12 at offices of Tweed, Lincoln  
 Lazarus, Samuel Mark, Great Prescott st, Cigar Manufacturer. Sept 24 at 2 at offices of Barnett, New Broad st  
 Lee, Joshua, Sowerby bridge, York, Bootmaker. Sept 29 at 12 at office of Longbottom, Waterhouse st, Halifax  
 Lloyd, Aaron, Ironbridge, Salop, Beereller. Sept 29 at 11, at the Rodney Inn, Ironbridge  
 Legg, William, Bisleigh, Gloucester, Tiler. Sept 27 at 1, at offices of Jackson, London rd, Strand  
 Merryweather, Francis Lorenzo Alfred, High st, Bloomsbury, Gas Lamp Manufacturer. Sept 19 at 3, at offices of Hatchinson, Vauxhall Bridge rd  
 Morris, Thomas, Gloucester, Innkeeper. Sept 29 at 12, at office of Smith, Regent st, Cheltenham  
 Muller, Frederick George William, Oxford rd, Kilburn pk, Doctor. Sept 29 at 2, at offices of Linklater and Co, Walbrook  
 Partridge, John, Jan, Oldham, Lancashire, Bobbin Maker. Oct 3 at 3 at offices of Chew and Sons, Swan street, Manchester  
 Pitt, James, Colechester, Essex, Shoemason. Sept 30 at 4.30 at the Guildhall Coffee House, Colchester  
 Pringle, James Kaye, Scarborough, York, Beerhouse Keeper. Sept 29 at 2 at offices of Williamson, Newborough street, Scarborough

Prime, William, Chatham, Kent, Draper. Oct 2 at 2 at the Mason's Hall Tavern, Masons' avenue. Hills and Winch, Chatham  
 Pritchard, Arthur, South st, East st, Walworth, Engineer. Sept 29 at 12 at offices of Keene and Marsland, Lower Thames at  
 Rees, Joseph, Waterloo, Lancashire, Commission Agent. Oct 6 at 2 at offices of Woodburn and Co, Harrington st, Liverpool  
 Rookcroft, James, Jan, Haulage, near Bolton, Lancashire, Bootmaker. Sept 26 at 3 at offices of Murray, King st, Manchester  
 Scarlett, John, Haslingden, Lancashire, Grocer. Sept 29 at 3 at offices of Watson, Broad st, Bury  
 Shilling, Jane, Winchester, Hant, Fruiterer. Oct 1 at 1 at offices of Collins, Furnival's inn  
 Slater, Timothy, Birmingham, Boot Manufacturer. Sept 25 at 3 at office of Wright and Marshall, New st, Birmingham  
 Simmons, Isaac, Judd st, Euston rd, Dealer in Glass. Sept 26 at 10 at offices of Dobson, Southampton buildings  
 Summerskill, Charles William, Harpurhey, Manchester, Manufacturer. Sept 26 at 3 at office of Crooke and Co, King st, Manchester  
 Swaine, Charles Henry, Southsea, Hants, Chemist. Sept 30 at 4 at offices of King, Union st, Portsea  
 Taylor, John, and Samuel Taylor, Huddersfield, York, Yarn Spinners. Oct 9 at 3 at office of Leary and Leary, Buxton rd, Huddersfield  
 Tesh, Samuel, and Arthur O'Neill, Sheffield, Drysalers. Sept 29 at 11 at office of Roberts, Queen st, Sheffield  
 Turner, William Busby, John Ernest Jones, and Charles Thomas, Bristol, Tailors. Sept 26 at 1, at offices of Williams and Co, Exchange, Bristol  
 Walsh, William, Bingley York, Joiner. Sept 27 at 11 at offices of Wood and Killick, Commercial Bank buildings, B. adford. Weatherhead and Co, Bingley  
 Wintle, John, Newport, Monmouth, Wine Merchant. Sept 30 at 1 at the Guildhall Coffeehouse, London  
 Wood, Thomas, Penistone, York, Grocer. Sept 27 at 11 at offices of Dransfield and Sons, Penistone  
 Wyer, John, Fountain court, Strand, Restaurant Keeper. Oct 6 at 2 at offices of Edwards, Essex st, Strand  
 Zierenberg, Charles, Newgate st, Importer of Wools. Sept 30 at 11 at the Guildhall Coffee house, Gresham st. Smith and Co, Broad st, Cheapside

## GLASGOW AND THE HIGHLANDS.—ROYAL

ROUTE via CRINAN and CALEDONIAN CANALS, by Royal Mail Steamer IONA from Bridge Wharf, Glasgow, at 7 a.m., and from GREENOCK at 9 a.m., conveying Passengers daily from Oban, Fort William, and Inverness. For sailings to Gairloch, Rosshire (for Lochmear), Staffa, Lona, Glenoe, Mull, Skye, Lewis, and West Highlands, see bill with map and tourist fares free at J. CAMDEN HOTEL'S, Bookseller, 74, Piccadilly, London, or by post on application to DAVID HUTCHESON & CO., 119, Hope-street, Glasgow.

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